

HOUSE BILL No. 1249

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-1-31; IC 3-10; IC 3-11-2-12; IC 5-4-1-4; IC 5-22-22-12; IC 6-1.1; IC 6-3.5-6-18.5; IC 12-7-2-5; IC 12-20; IC 13-25-6; IC 15-16; IC 16-31-5-1; IC 16-41-19-7; IC 22-11-14; IC 22-12-1-18.7; IC 23-14; IC 32-26; IC 33-34; IC 34-30-2-58; IC 36-1; IC 36-2; IC 36-3-1-6.1; IC 36-6; IC 36-8; IC 36-9; IC 36-10; IC 36-12-1-7.5; IC 36-12-2-13.

Synopsis: Elimination of township government. Provides that all township governments are abolished on January 1, 2013, and all township functions are transferred to the county. Provides that except as specifically provided by law: (1) the county executive has the powers and duties of the township trustee; (2) the county legislative body has the legislative powers and duties of the township board; and (3) the county fiscal body has the fiscal powers and duties of the township board. Provides for an elected county advocate for the poor to administer township assistance in each county beginning January 1, 2013. Provides for a transition board in each county. Requires the transition board to adopt a transition plan for the provision of township assistance in the county. Requires that the transition plan must provide for the provision of township assistance on a countywide basis and reasonable levels of accessibility throughout the county. Specifies that beginning January 1, 2013, the county is responsible for providing fire protection formerly provided by the township. Establishes a county firefighting fund, and establishes a county cumulative building and equipment fund for firefighting. Provides that the remaining township fire departments in Marion County are consolidated into the Indianapolis fire department on January 1, 2013. Provides that a transfer of duties between the townships and the county results in the
(Continued next page)

Effective: Upon passage; July 1, 2010; January 1, 2012; January 1, 2013.

DeLaney, Torr, Stevenson, Hinkle

January 12, 2010, read first time and referred to Committee on Government and Regulatory Reform.



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transfer of property, equipment, personnel, records, rights, contracts, and indebtedness. In Marion County, transfers responsibilities of township trustees and township boards concerning township small claims courts located in Marion County to the: (1) mayor of the consolidated city; (2) city-county council of the consolidated city; and (3) clerk of the circuit court of the county containing the consolidated city. Abolishes the office of small claims court constable. Specifies that on January 1, 2013, personnel provided by the county shall perform the duties formerly performed by the constables. Requires a school township to reorganize not later than July 1, 2012. Requires the state board of education to develop a reorganization plan for a school township that does not develop a reorganization plan. Requires the department of local government finance (DLGF) to determine whether the balance in each township fund (other than a debt service fund or cumulative fund) is in excess of the amount needed by the township to carry out the purposes of the fund. Specifies the factors to be considered by the DLGF in making the determination. Requires a township to transfer any excess amounts to the county treasurer. Specifies that the excess amounts must be used as follows: (1) 25% to provide property tax credits at a uniform county-wide percentage. (2) 25% for deposit in a special fund or account to be used upon appropriation by the county fiscal body for programs designed to alleviate poverty in the county. (3) 25% for transfer to Indiana University-Northwest to be used by Indiana University-Northwest to make grants to alleviate urban poverty or to conduct teaching or academic research concerning urban poverty. (4) 25% for transfer to Indiana State University to be used by Indiana State University to make grants to alleviate rural poverty or to conduct teaching or academic research concerning rural poverty.

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Introduced

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1249

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2010]: Sec. 31. **(a)** A candidate for the office
3 of constable of a small claims court must:
4 (1) have resided in the township for more than one (1) year upon
5 taking office; and
6 (2) be at least twenty-one (21) years old upon taking office.
7 **(b) This section expires January 1, 2013.**
8 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2010]: Sec. 19. (a) The ballot for a primary election shall be
11 printed in substantially the following form for all the offices for which
12 candidates have qualified under IC 3-8:
13 OFFICIAL PRIMARY BALLOT
14 _____ Party
15 For paper ballots, print: To vote for a person, make a voting mark



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(X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

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- 1 (E) County coroner.
 2 (F) County surveyor.
 3 (G) County assessor.
 4 (H) County commissioner.
 5 (I) County council member.
 6 **(J) County advocate for the poor (for elections in 2012 and**
 7 **thereafter).**
 8 (5) Township offices:
 9 (A) Township assessor (only in a township referred to in
 10 IC 36-6-5-1(d)). **This clause does not apply to elections in**
 11 **2012 and thereafter.**
 12 (B) Township trustee. **This clause does not apply to elections**
 13 **in 2012 and thereafter.**
 14 (C) Township board member. **This clause does not apply to**
 15 **elections in 2012 and thereafter.**
 16 (D) Judge of the small claims court.
 17 (E) Constable of the small claims court. **This clause does not**
 18 **apply to elections in 2014 and thereafter.**
 19 (6) City offices:
 20 (A) Mayor.
 21 (B) Clerk or clerk-treasurer.
 22 (C) Judge of the city court.
 23 (D) City-county council member or common council member.
 24 (7) Town offices:
 25 (A) Clerk-treasurer.
 26 (B) Judge of the town court.
 27 (C) Town council member.
 28 (c) The political party offices with candidates for election shall be
 29 placed on the primary election ballot in the following order after the
 30 offices described in subsection (b):
 31 (1) Precinct committeeman.
 32 (2) State convention delegate.
 33 (d) The following offices and public questions shall be placed on the
 34 primary election ballot in the following order after the offices described
 35 in subsection (c):
 36 (1) School board offices to be elected at the primary election.
 37 (2) Other local offices to be elected at the primary election.
 38 (3) Local public questions.
 39 (e) The offices and public questions described in subsection (d)
 40 shall be placed:
 41 (1) in a separate column on the ballot if voting is by paper ballot;
 42 (2) after the offices described in subsection (c) in the form

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specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 3. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

(4) County treasurer.

(5) County sheriff.

(6) County coroner.

(7) County surveyor.

(8) County assessor.

(9) County commissioner.

(10) County council member.

(11) County advocate for the poor (for elections in 2012 and thereafter).

~~(11)~~ **(12) Township trustee. This subdivision does not apply to elections in 2012 and thereafter.**

~~(12)~~ **(13) Township board member. This subdivision does not apply to elections in 2012 and thereafter.**

~~(13)~~ **(14) Township assessor (only in a township referred to in IC 36-6-5-1(d)). This subdivision does not apply to elections in 2012 and thereafter.**

~~(14)~~ **(15) Judge of a small claims court.**

~~(15)~~ **(16) Constable of a small claims court. This subdivision does not apply to elections in 2014 and thereafter.**

SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2010]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Clerk of the circuit court.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

(J) County advocate for the poor (for elections in 2012 and thereafter).

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)). **This clause does not apply to elections in**

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2012 and thereafter.

(B) Township trustee. **This clause does not apply to elections in 2012 and thereafter.**

(C) Township board member. **This clause does not apply to elections in 2012 and thereafter.**

(D) Judge of the small claims court.

(E) Constable of the small claims court. **This clause does not apply to elections in 2014 and thereafter.**

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

SECTION 5. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

(1) **The oath** of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(2) **The oath of the following shall be deposited by the person in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation:**

(A) The circuit court clerk.

(B) Officers of a political subdivision or school corporation.

(C) ~~and~~ Constables of a small claims court **(if any).**

~~in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.~~

(3) **The oath** of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 6. IC 5-22-22-12, AS AMENDED BY P.L.128-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) This section applies to the following

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surplus property:

- (1) Fire trucks.
- (2) Emergency service vehicles.
- (3) Firefighting or emergency services equipment.

(b) As used in this section, "fire department" refers to any of the following:

- (1) A volunteer fire department (as defined in IC 36-8-12-2).
- (2) The board of fire trustees of a fire protection district established under IC 36-8-11.

(3) After December 31, 2012, a fire department operated by a county under IC 36-8-13.6.

~~(3)~~ **(4)** The provider unit of a fire protection territory established under IC 36-8-19.

(c) Notwithstanding section 4, 4.5, or 5 of this chapter, a governmental body may transfer title of surplus property to a fire department for the fire department's use in providing fire protection or emergency services.

(d) A fire department located in the same county as the governmental body offering the surplus property for transfer has the right of first refusal for all surplus property offered. Surplus property that is refused by the fire departments located in the same county as the governmental body may be transferred to any fire department in Indiana.

(e) A governmental body may transfer title of surplus property to a fire department under this section by:

- (1) sale;
- (2) gift; or
- (3) another arrangement acceptable to the governmental body and the fire department.

SECTION 7. IC 6-1.1-11-4, AS AMENDED BY P.L.182-2009(ss), SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

- (1) described by IC 6-1.1-2-7; or
- (2) maintained by:

(A) before January 1, 2013, a township executive; and

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(B) after December 31, 2012, the county;

under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 or 3.5 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21;

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; or

(C) other tangible property owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16;

(2) the exemption application referred to in section 3 or 3.5 of this chapter was filed properly at least once for a religious use under IC 6-1.1-10-21 or an educational, literary, scientific, religious, or charitable use under IC 6-1.1-10-16; and

(3) the property continues to meet the requirements for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21.

A change in ownership of property does not terminate an exemption of the property if after the change in ownership the property continues to meet the requirements for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21. However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance. If the county assessor discovers that title to property granted an exemption described in IC 6-1.1-10-16 or IC 6-1.1-10-21 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners of the property and indicates that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16. Upon receipt of the affidavit, the county assessor shall reinstate the exemption for the years

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for which the exemption was suspended and each year thereafter that the property continues to meet the requirements for an exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16.

SECTION 8. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss), SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before September 10 of the calendar year.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(d) This subsection expires January 1, 2009. A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:~~

- ~~(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.~~
- ~~(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from~~

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1 the children's psychiatric residential treatment services fund.
 2 A budget, tax rate, or tax levy adopted by a county fiscal body or
 3 approved or modified by a county board of tax adjustment that is less
 4 than the levy necessary to pay the costs described in subdivision (1) or
 5 (2) shall not be treated as a final budget, tax rate, or tax levy under
 6 section 11 of this chapter.

7 (d) This subsection applies to taxes first due and payable after
 8 2012. The county fiscal body shall adopt with the county budget a
 9 tax rate uniform throughout the county sufficient to meet the
 10 estimated cost of township assistance. The taxes collected as a
 11 result of the tax rate adopted under this subsection shall be
 12 credited to the county's township assistance fund established under
 13 IC 12-20-1-6.

14 SECTION 9. IC 6-1.1-18.5-10.2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10.2. For purposes of
 16 determining the property tax levy limit imposed on a township (**before**
 17 **January 1, 2013)** or a county (**after December 31, 2012)** under
 18 section 3 of this chapter, the township or county ad valorem property
 19 tax levy for a particular calendar year does not include the amount, if
 20 any, of ad valorem property taxes that would be first due and payable
 21 to the township or county during the ensuing calendar year under the
 22 authority of IC 36-8-13-4 (**before January 1, 2013)** or **IC 36-8-13.6-3**
 23 (**after December 31, 2012**). The amount of ad valorem property taxes
 24 levied by:

25 (1) the township under the authority of IC 36-8-13-4 (**before**
 26 **January 1, 2013)**; or

27 (2) county under the authority of **IC 36-8-13.6-3 (after**
 28 **December 31, 2012)**;

29 shall, for purposes of the property tax levy limits imposed under section
 30 3 of this chapter, be treated as if that levy were made by a separate civil
 31 taxing unit.

32 SECTION 10. IC 6-1.1-18.5-10.4 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10.4. (a) The ad
 34 valorem property tax levy limits imposed by section 3 of this chapter
 35 do not apply to ad valorem property taxes imposed by a township or a
 36 fire protection district under IC 36-8-14 (**before January 1, 2013)** or
 37 **to ad valorem property taxes imposed by a county or fire**
 38 **protection district under IC 36-8-13.6 (after December 31, 2012).**

39 (b) For purposes of computing the ad valorem property tax levy
 40 limit imposed on a township or a fire protection district under section
 41 3 of this chapter, the township's, **the county's**, or the fire protection
 42 district's ad valorem property tax levy for a particular calendar year

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does not include that part of the levy imposed under IC 36-8-14 **(before January 1, 2013) or IC 36-8-13.6 (after December 31, 2012).**

SECTION 11. IC 6-1.1-18.5-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 18.5. The maximum permissible ad valorem property tax levy for the county's firefighting fund under IC 36-8-13.6-3 is the following:**

(1) For ad valorem property taxes first due and payable in 2012, the maximum permissible ad valorem property tax levy for the county's firefighting fund determined in IC 36-6-1.2-5.

(2) For ad valorem property taxes first due and payable after 2012:

(A) the maximum permissible ad valorem property tax levy for the county's firefighting fund determined under this section for ad valorem property taxes first due and payable in the immediately preceding calendar year; multiplied by

(B) the amount determined in the last STEP of section 2(b) of this chapter.

SECTION 12. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 22. The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed after December 31, 2012, by a county to pay or fund any indebtedness assumed, defeased, paid, or refunded by a county after township government is abolished under IC 36-6-1.1.**

SECTION 13. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: **Sec. 18.5. (a) This section applies to a county containing a consolidated city.**

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor: **The distribution ratio for 2013 and thereafter is the following:**

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177

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1	Perry Township	.01130
2	Pike Township	.01865
3	Warren Township	.01359
4	Washington Township	.01346
5	Wayne Township	.01307
6	Lawrence-City	.00858
7	Beech Grove	.00845
8	Southport	.00025
9	Speedway	.00722
10	Indianapolis/Marion County	.86409 .97550

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city ~~shall be~~ **were** not less than the following:

15	Center Township	\$1,898,145
16	Decatur Township	\$164,103
17	Franklin Township	\$173,934
18	Lawrence Township	\$890,086
19	Perry Township	\$854,544
20	Pike Township	\$1,410,375
21	Warren Township	\$1,027,721
22	Washington Township	\$1,017,890
23	Wayne Township	\$988,397
24	Lawrence-City	\$648,848
25	Beech Grove	\$639,017
26	Southport	\$18,906
27	Speedway	\$546,000

(3) For each year after ~~1995~~, **2012**, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the **distribution** ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

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(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the **distribution** ratio established under subdivision (1).

STEP SEVEN: For each taxing unit, determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit, determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the **distribution** ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

(c) The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, children with special health care needs county fund, plus, in the case of Marion County, thirty-five million dollars (\$35,000,000).

SECTION 14. IC 12-7-2-5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. "Advocate" **refers to the following:**

(1) For purposes of IC 12-26, ~~refers to~~ a person who:

(1) is a court appointed special advocate (as defined in IC 31-9-2-28); or

(2) is a guardian ad litem (as defined in IC 31-9-2-50).

(2) **After December 31, 2012, for purposes of IC 12-20-1-5, a person who is a county advocate for the poor.**

SECTION 15. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) **This section applies after December 31, 2012.**

(b) **As used in this section, "county advocate" means the county advocate for the poor.**

(c) **Beginning January 1, 2013, a county advocate for the poor shall administer township assistance under this article and IC 12-30-4 in each county.**

(d) **The following apply to the administration of township assistance under subsection (c):**

(1) **A suit or proceeding in favor of or against the county advocate concerning township assistance shall be conducted in favor of or against the county in the county's corporate name.**

(2) **The county advocate is subject to the same privileges and immunities as are accorded to a township trustee under IC 12-20-3.**

(3) **The county advocate shall propose uniform standards for the issuance of township assistance throughout the county and the processing of applications for township assistance that meet the requirements of IC 12-20-5.5. The standards are effective upon being adopted by the county legislative body and filed with the county executive.**

(4) **The county advocate has the same powers in the administration of township assistance for the county as a township trustee has in the administration of township assistance for a township under IC 12-20-4, IC 12-20-5, IC 12-20-15, IC 12-20-16, IC 12-20-17, IC 12-20-18, and IC 12-20-19.**

(5) **The same standards and requirements that:**

(A) **apply to; or**

(B) **may be imposed upon;**

recipients of and applicants for township assistance under IC 12-20-6, IC 12-20-7, IC 12-20-8, IC 12-20-9, IC 12-20-10,

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IC 12-20-11, IC 12-20-12, and IC 12-20-13 apply to or may be imposed upon recipients of and applicants for township assistance administered by the county advocate.

(6) The county advocate may assert a claim against the estate of an individual who received township assistance from the county to the same extent as a township trustee may assert a claim under IC 12-20-27 against the estate of an individual who received township assistance from a township.

(7) The county advocate is subject to the same reporting requirements with respect to township assistance as a township trustee is subject to under IC 12-20-28.

(8) State and local agencies shall provide the county advocate with the information provided to a township trustee under IC 12-20-7. The county advocate or an employee of the county is subject to the criminal penalty set forth in IC 12-20-7-6 for disclosure of information.

(9) An applicant for township assistance and the county advocate may appeal a decision regarding township assistance in the same manner that an appeal is taken under IC 12-20-15.

(e) Any application for township assistance for which the township has not entered a final decision regarding the granting or denial of township assistance by the close of business on December 31, 2012, shall be treated as a new application filed with the county on January 1, 2013. The county advocate shall make a decision on the application in accordance with the uniform standards adopted under subsection (d)(3).

(f) Any application for township assistance that has been granted before January 1, 2013, but for which assistance has not been disbursed by the township, shall be disbursed and administered by the county advocate in accordance with the township's grant of township assistance.

SECTION 16. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) A county shall establish a township assistance fund not later than January 1, 2013.

(b) The fund shall be raised by a tax levy that:

- (1) is in addition to all other tax levies authorized; and
- (2) for property taxes first due and payable after December 31, 2012, shall be levied annually by the county fiscal body on all taxable property in the county in the amount necessary to pay the items, awards, claims, allowances, assistance, and

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1 other expenses set forth in the annual county township
2 assistance budget.

3 (c) The tax imposed under this section shall be collected as other
4 county ad valorem taxes are collected.

5 (d) The following shall be paid into the fund:

6 (1) All receipts from the tax imposed under this section.

7 (2) Any other money required by law to be placed in the fund.

8 (e) The fund is available to pay expenses and obligations set
9 forth in the annual budget.

10 (f) Money in the fund at the end of a budget year does not revert
11 to the county general fund.

12 SECTION 17. IC 12-20-17-1, AS AMENDED BY P.L.73-2005,
13 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2010]: Sec. 1. (a) If a township trustee (**before January 1,**
15 **2013) or a county advocate for the poor (after December 31, 2012)**
16 determines by investigation that a township assistance applicant or a
17 township assistance applicant's household requires assistance, the
18 township trustee **or county advocate for the poor** shall, after
19 determining that an emergency exists, furnish to the applicant or
20 household the temporary aid necessary for the relief of immediate
21 suffering.

22 (b) **After December 31, 2012, a county advocate for the poor**
23 **may grant temporary aid in the form of cash to provide a necessity**
24 **not specified in this article if the county advocate for the poor**
25 **determines that an emergency exists and the temporary aid is**
26 **necessary for the relief of immediate suffering. The county**
27 **advocate for the poor may provide assistance under this subsection**
28 **of not more than:**

29 (1) five hundred dollars (\$500) in a calendar year, if the
30 temporary aid is for an individual; or

31 (2) one thousand dollars (\$1,000) in a calendar year, if the
32 temporary aid is for a family.

33 (c) A county advocate for the poor shall maintain a written
34 record of all aid provided under subsection (b) that includes the
35 following information:

36 (1) The name of each recipient.

37 (2) The amount provided to each recipient.

38 (3) A detailed account of the county advocate for the poor's
39 determination under subsection (b).

40 (d) ~~However,~~ Before any further final or permanent relief is given,
41 the township trustee (**before January 1, 2013) or the county advocate**
42 **for the poor (after December 31, 2012)** shall consider whether the

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applicant's or household's need can be relieved by means other than an expenditure of township money.

SECTION 18. IC 12-20-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 1.5. Township Assistance Transition Board

Sec. 1. This chapter applies to all counties.

Sec. 2. As used in this chapter, "board" means a transition board established under section 3 of this chapter.

Sec. 3. (a) A transition board is established in each county beginning July 1, 2011. A board consists of:

(1) The following voting members:

(A) The members of the county executive.

(B) The members of the county fiscal body.

(2) The following nonvoting advisory members:

(A) The trustees of each township in the county:

(B) One (1) person employed by a nonprofit human services provider agency.

(C) Two (2) citizen members not employed by the government or a human services provider agency.

(D) One (1) person to represent the local or state branch of a national nonprofit organization that works with local offices throughout the country in a coalition of charitable organizations to pool efforts in fundraising and support.

(E) If there is a nonprofit charitable community foundation operating within the county, one (1) person to represent such a community foundation.

The nonvoting advisory members described in clauses (B) through (E) shall be appointed by the county executive.

(b) A majority of the voting members of a board constitutes a quorum. An affirmative vote of a majority of the voting members is required for the board to take action.

(c) The members of a board are not entitled to compensation for their services but are allowed their actual and necessary traveling and other expenses to be paid in the same manner as the other expenses by the county executive.

Sec. 4. The board shall adopt a transition plan for the provision of township assistance in the county. The plan must be consistent with the following:

(1) The county shall provide township assistance on a countywide basis.

(2) The county shall provide reasonable levels of accessibility

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to township assistance services.

Sec. 5. A board shall hold one (1) or more public hearings on a plan prepared under section 4 of this chapter. The board shall give notice of the hearing in accordance with IC 5-3-1.

Sec. 6. The board shall adopt initial uniform standards for the issuance of township assistance throughout the county and the processing of applications for township assistance that meet the requirements of IC 12-20-5.5.

Sec. 7. The transfer of township assistance responsibilities to the county advocate for the poor takes effect January 1, 2013.

Sec. 8. The board is abolished January 1, 2013.

SECTION 19. IC 13-25-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) Reimbursement is available under this chapter for expenses, except for expenses of a type that the agency normally incurs in responding to emergencies that do not involve hazardous materials, that are incurred in taking emergency action by an emergency response agency other than a fire department that is described in subsection (b).

(b) Reimbursement is available under this chapter and IC 36-8-12.2 for expenses that are incurred in taking emergency action by a fire department that:

(1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1) **(before January 1, 2013), or IC 36-8-13.6 (after December 31, 2012);** and

(2) employs:

- (A) both full-time paid members and volunteer members; or
- (B) only full-time paid members.

SECTION 20. IC 13-25-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. An emergency response agency or a governmental entity may obtain reimbursement under this chapter by filing an action for reimbursement in a court of general jurisdiction of:

- (1) a county in which a hazardous materials emergency arose; or
- (2) the county in which the unit that established the fire department is located, if the emergency response agency is a fire department that:

(A) is established by a unit under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1) **(before January 1, 2013), or IC 36-8-13.6 (after December 31, 2012);** and

(B) employs:

- (i) both full-time paid members and volunteer members; or
- (ii) only full-time paid members.

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SECTION 21. IC 15-16-7-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) **member who is:**

(A) before January 1, 2013, the township trustee of a township in the county; and

(B) after December 31, 2012, an appointee of the county executive.

(2) One (1) soil and water conservation district supervisor.

(3) One (1) representative from the agricultural community of the county.

(4) One (1) representative from the county highway department or an appointee of the county commissioners.

(5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary in the discharge of the members' duties.

SECTION 22. IC 15-16-8-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 0.5. After December 31, 2012:**

(1) the powers and duties established by this chapter are conferred and imposed on the county with respect to property in the county;

(2) any reference to "township trustee" or "trustee" in this chapter is considered to be a reference to the county official designated by the county executive as being responsible for administering this chapter;

(3) any reference to "township fund" in this chapter is considered to be a reference to the appropriate county fund designated by ordinance of the county legislative body;

(4) the county fiscal body (rather than the township board) shall take any actions required under section 5(c) of this chapter; and

(5) the estimate under section 5(d) of this chapter shall be submitted to the controller of the consolidated city (rather than to the township board).

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SECTION 23. IC 15-16-8-5, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The township trustee may pay the following costs incurred in cutting or destroying detrimental plants under this chapter:

(1) Chemicals.

(2) Work.

(3) Labor, at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) If the trustee believes the infestation of the real estate with detrimental plants is so great and widespread that cutting or eradication by hand methods is impractical, the trustee shall use the necessary power machinery or equipment. The trustee may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of the township trustee. When the bill has been approved, the trustee shall pay the bill out of the township fund. If there is no money available in the township fund for that purpose, the township board, upon finding an emergency exists, shall act under IC 36-6-6-14(b) or IC 36-6-6-15 to borrow money sufficient to meet the emergency. **After December 31, 2012, the county fiscal body shall act to borrow money sufficient to meet the emergency.**

(d) ~~The trustee, when submitting estimates to the township board~~ **An estimate, when submitted to the township board (before January 1, 2013) or the county fiscal body (after December 31, 2012) for action, shall must include in the estimates an item sufficient to cover those expenditures.**

SECTION 24. IC 15-16-8-10, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) When the annual township budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustees** to comply with this chapter. **This subsection expires January 1, 2013.**

(b) **After December 31, 2012, when the annual county budget is prepared, a sufficient amount shall be appropriated to enable the county executive to comply with this chapter.**

SECTION 25. IC 16-31-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The governing body of a city, town, township (**before January 1, 2013**), or county by the governing body's action or in any combination may do the following:

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(1) Establish, operate, and maintain emergency medical services.

(2) Levy taxes under and limited by IC 6-3.5 and expend appropriated funds of the political subdivision to pay the costs and expenses of establishing, operating, maintaining, or contracting for emergency medical services.

(3) Except as provided in section 2 of this chapter, authorize, franchise, or contract for emergency medical services. However:

(A) a county may not provide, authorize, or contract for emergency medical services within the limits of any city without the consent of the city; and

(B) a city or town may not provide, authorize, franchise, or contract for emergency medical services outside the limits of the city or town without the approval of the governing body of the area to be served.

(4) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(5) Establish and provide for the collection of reasonable fees for emergency ambulance services the governing body provides under this chapter.

(6) Pay the fees or dues for individual or group membership in any regularly organized volunteer emergency medical services association on their own behalf or on behalf of the emergency medical services personnel serving that unit of government.

SECTION 26. IC 16-41-19-7, AS AMENDED BY P.L.73-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. **(a) After December 31, 2012:**

(1) the county has all the rights, duties, and responsibilities of a township; and

(2) the county advocate for the poor has all the rights, duties, and responsibilities of a township trustee;

under this section.

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~, **(c)**, all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid: ~~by~~:

(1) by the appropriate county, city, or town against which the application form is issued from general funds; ~~and~~

(2) before January 1, 2013, by the appropriate township against which the application form is issued from funds in the township assistance fund; ~~and~~

(3) after December 31, 2012, by the appropriate county against which the application form is issued from funds in the

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1 **township assistance fund established under IC 12-20-1-6;**
 2 not otherwise appropriated without appropriations.

3 ~~(b)~~ (c) A township is not responsible for paying for biologicals as
 4 provided in subsection ~~(a)~~(2) (b) if the township trustee has evidence
 5 that the individual has the financial ability to pay for the biologicals.

6 ~~(c)~~ (d) After being presented with a legal claim for insulin being
 7 furnished to the same individual a second time, a township trustee may
 8 require the individual to complete and file a standard application for
 9 township assistance in order to investigate the financial condition of the
 10 individual claiming to be indigent. The trustee shall immediately notify
 11 the individual's physician that:

12 (1) the financial ability of the individual claiming to be indigent
 13 is in question; and

14 (2) a standard application for township assistance must be filed
 15 with the township.

16 The township shall continue to furnish insulin under this section until
 17 the township trustee completes an investigation and makes a
 18 determination as to the individual's financial ability to pay for insulin.

19 ~~(d)~~ (e) For purposes of this section, the township shall consider an
 20 adult individual needing insulin as an individual and not as a member
 21 of a household requesting township assistance.

22 SECTION 27. IC 22-11-14-2, AS AMENDED BY P.L.187-2006,
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2010]: Sec. 2. (a) The fire prevention and building safety
 25 commission shall:

26 (1) adopt rules under IC 4-22-2 for the granting of permits for
 27 supervised public displays of fireworks by municipalities, fair
 28 associations, amusement parks, and other organizations or groups
 29 of individuals; and

30 (2) establish by rule the fee for the permit, which shall be paid
 31 into the fire and building services fund created under
 32 IC 22-12-6-1.

33 (b) The application for a permit required under subsection (a) must:

34 (1) name a competent operator who is to officiate at the display;
 35 (2) set forth a brief resume of the operator's experience;
 36 (3) be made in writing; and
 37 (4) be received with the applicable fee by the division of fire and
 38 building safety at least five (5) business days before the display.

39 No operator who has a prior conviction for violating this chapter may
 40 operate any display for one (1) year after the conviction.

41 (c) Every display shall be handled by a qualified operator approved
 42 by the chief of the fire department of the municipality in which the

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display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

(1) the chief of the fire department of the city or town in which the display is to be held; or

(2) the:

(A) township fire chief or the fire chief of the municipality nearest the site proposed **(before January 1, 2013); or**

(B) fire chief of the fire department responsible for providing fire protection in the area in which the display will be located, discharged, or fired (after December 31, 2012);

in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person may not possess, transport, or deliver special fireworks, except as authorized under this section.

SECTION 28. IC 22-11-14-3.5, AS ADDED BY P.L.187-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.5. The fire prevention and building safety commission may adopt rules under IC 4-22-2 that specify the conditions under which the chief of a municipal ~~or~~ fire department, township fire department **(before January 1, 2013), or other fire department under IC 36-8-13.6 (after December 31, 2012)** may grant a permit to a person to sponsor a special discharge location in the municipality, ~~or~~ township, **or area in which the display will be located, discharged, or fired.**

SECTION 29. IC 22-12-1-18.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 18.7. "Qualified entity" means:

(1) a volunteer fire department (as defined in IC 36-8-12-2);

(2) the executive of a township providing fire protection under IC 36-8-13-3(a)(1) **(before January 1, 2013); or**

(3) a municipality providing fire protection to:

(A) a township under IC 36-8-13-3(a)(2) **(before January 1, 2013) or IC 36-8-13-3(a)(3) (before January 1, 2013); or**

(B) a county (after December 31, 2012); or

(4) after December 31, 2012, the executive of a county providing fire protection under IC 36-8-13.6.

SECTION 30. IC 23-14-31-26, AS AMENDED BY P.L.143-2009,

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SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 26. (a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:

(1) An individual granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19.

(2) An individual granted the authority to serve in a health care power of attorney executed by the decedent under IC 30-5-5-16.

(3) The individual who was the spouse of the decedent at the time of the decedent's death.

(4) The decedent's surviving adult children. If more than one (1) adult child is surviving, any adult child who confirms in writing that the other adult children have been notified, unless the crematory authority receives a written objection to the cremation from another adult child.

(5) The decedent's surviving parent. If the decedent is survived by both parents, either parent may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from the other parent.

(6) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent. If more than one (1) individual of the same degree is surviving, any person of that degree may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from one (1) or more persons of the same degree.

(7) In the case of an indigent or other individual whose final disposition is the responsibility of the state, ~~or township~~ **(before January 1, 2013), or county (after December 31, 2012)**, the following may serve as the authorizing agent:

(A) If none of the persons identified in subdivisions (1) through (6) are available:

(i) a public administrator, including a responsible township trustee or the trustee's designee **(before January 1, 2013) or a county advocate for the poor (after December 31, 2012)**; or

(ii) the coroner.

(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

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(8) In the absence of any person under subdivisions (1) through (7), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

SECTION 31. IC 23-14-33-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3.5. After December 31, 2012:**

(1) the powers and duties established by this chapter through IC 23-14-76 are conferred and imposed on the county;

(2) a reference in this chapter through IC 23-14-76 to "township fund" is considered a reference to the cemetery fund established for the county;

(3) a reference in this chapter through IC 23-14-76 to "township" is considered a reference to the county;

(4) a reference in this chapter through IC 23-14-76 to "township trustee" is considered a reference to the person designated by the county executive as being responsible for administering this chapter through IC 23-14-76;

(5) the county (rather than the township) may levy the cemetery tax under IC 23-14-68-4 throughout the county; and

(6) the county fiscal body (rather than the township legislative body) may approve a purchase under IC 23-14-69-5.

SECTION 32. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2. (a)** The trustee of each township, the county highway superintendent, the Indiana

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department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, after December 31, 2012, the duties and obligations of a township trustee under this chapter are transferred to the county official designated by the county executive.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township. If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee **(before January 1, 2013), county official designated by the county executive (after December 31, 2012)**, county highway superintendent, or Indiana department of transportation shall immediately:

(1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and

(2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee **(before January 1, 2013), county official designated by the county executive (after December 31, 2012)**, county highway superintendent, or Indiana department of transportation, having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax

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duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 33. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 0.6. After December 31, 2012:**

(1) the county official designated by the county executive as responsible for administering this chapter (rather than the township trustee) is responsible for administering this chapter;

(2) a reference in this chapter to "township" is considered a reference to the county; and

(3) a reference in this chapter to "township trustee" is considered a reference to the county official designated by the county executive as responsible for administering this chapter.

SECTION 34. IC 33-34-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. A division of the small claims court must be a full-time division or a part-time division as determined by the:

(1) individual township boards (before January 1, 2013); and
(2) city-county council (after December 31, 2012);

following a hearing conducted under section 7 of this chapter.

SECTION 35. IC 33-34-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. The township trustee **(before January 1, 2013) or the clerk of the circuit court (after December 31, 2012)**, shall give ten (10) days notice of all hearings held under section 7 of this chapter in one (1) or more newspapers of general circulation in the county.

SECTION 36. IC 33-34-1-9, AS AMENDED BY P.L.174-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. Not more than two (2) weeks after a hearing is conducted under section 7 of this chapter, the township board **(before January 1, 2013) or the city-county council (after December 31, 2012)** shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

(1) whether a small claims court shall be established or abolished

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in the township if the township has a population of less than fifteen thousand (15,000) persons;

(2) whether the small claims court if any, shall function full time or part time;

(3) the location of the small claims court courtroom and offices under IC 33-34-6-1; and

(4) other relevant matters.

SECTION 37. IC 33-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The salary of a judge who serves full time must be in an amount determined by:

(1) the township board of the township in which the small claims court is located **(before January 1, 2013); or**

(2) the city-county council (after December 31, 2012).

(b) The salary of each judge who serves part time must be in an amount determined by **the following:**

(1) The township board and approved by the city-county council **(before January 1, 2013).**

(2) The city-county council (after December 31, 2012).

(c) The salary of a judge may not be reduced during the judge's term of office.

(d) At any other time, salaries of any full-time or part-time judge may be increased or decreased by the **following:**

(1) Township board of the township in which the small claims court is located **(before January 1, 2013).**

(2) The city-county council (after December 31, 2012).

SECTION 38. IC 33-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) The annual salary of a judge shall be paid in twelve (12) equal monthly installments by the township trustee **(before January 1, 2013) or the county (after December 31, 2012).**

(b) The judge may not receive remuneration other than a salary set under section 5 of this chapter for the performance of the judge's official duties except payments for performing marriage ceremonies.

SECTION 39. IC 33-34-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. (a) The resignation of a judge shall be delivered to the clerk of the circuit court. The clerk shall advise the circuit court and **(before January 1, 2013) the** appropriate township board.

(b) A vacancy occurring in a judgeship must be filled under IC 3-13-10.

SECTION 40. IC 33-34-5-4, AS AMENDED BY P.L.174-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2010]: Sec. 4. (a) If a judge is unable to preside over the judge's small claims court during any number of days, the judge may appoint in writing a person qualified to be a small claims judge under IC 33-34-2-2 to preside in place of the judge.

(b) The written appointment shall be entered on the order book or record of the circuit court. The appointee shall, after taking the oath prescribed for the judges, conduct the business of the small claims court subject to the same rules and regulations as judges and has the same authority during the continuance of the appointee's appointment.

(c) The appointee is entitled to the same compensation from the township trustee **(before January 1, 2013) or the county (after December 31, 2012)** as accruable to the small claims judge in whose place the appointee is serving.

SECTION 41. IC 33-34-6-1, AS AMENDED BY P.L.174-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The township trustee **(before January 1, 2013) or the county executive (after December 31, 2012)** shall provide a courtroom and an office for each judge in a convenient location within the township that has:

- (1) adequate access;
- (2) sufficient parking facilities;
- (3) a separate and appropriate courtroom;
- (4) proper space and facilities for the bailiff, clerks, and other employees; and
- (5) enough room for files and supplies.

SECTION 42. IC 33-34-6-2, AS AMENDED BY P.L.174-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. A township **(before January 1, 2013) or the county executive (after December 31, 2012)** shall:

- (1) furnish all:
 - (A) supplies, including all blanks, forms, stationery, and papers of every kind, required for use in all cases in the township small claims court; and
 - (B) furniture, books, and other necessary equipment and supplies; and
- (2) provide for all necessary maintenance and upkeep of the facilities where court is held.

SECTION 43. IC 33-34-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. Each township **(before January 1, 2013) and the county fiscal body (after December 31, 2012)** shall provide an appropriate and competitive salary of at least five thousand six hundred dollars (\$5,600) for the

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number of clerks for the small claims court sufficient to:

- (1) operate efficiently; and
- (2) adequately serve the citizens doing business with the court.

SECTION 44. IC 33-34-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. **(a) This section expires January 1, 2013.**

~~(a)~~ **(b)** The voters of each township having a small claims court shall elect a constable for the small claims court at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. The ballot must state the:

- (1) name of the candidate; and
- (2) court for which the candidate is to serve.

~~(b)~~ **(c)** Each small claims court shall have a constable who:

- (1) acts as the bailiff of the court;
- (2) serves the court's personal service of process;
- (3) has police powers to:
 - (A) make arrests;
 - (B) keep the peace; and
 - (C) carry out the orders of the court;
- (4) must meet the qualifications prescribed by IC 3-8-1-31;
- (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff for the court;
- (6) is responsible for:
 - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and
 - (B) all the official acts of the deputies;
- (7) is compensated solely from the service of process fees collected under IC 33-34-8-1; and
- (8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable.

~~(c)~~ **(d)** The elected constable may appoint full-time and part-time deputies for assistance in the performance of official duties who:

- (1) perform all the official duties required to be performed by the constable;
- (2) possess the same statutory and common law powers and authority as the constable;
- (3) must take the same oath required of the constable;
- (4) are compensated solely from the service of process fees collected under IC 33-34-8-1; and
- (5) serve at the pleasure of the constable and may be dismissed at

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any time with or without cause.

~~(d)~~ (e) If there is an:

(1) emergency; or

(2) inability of a constable to carry out the constable's duties;

the judge may appoint a special constable to carry out the duties of the constable during the emergency or inability.

SECTION 45. IC 33-34-6-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 4.5. (a) Not later than June 30, 2012, a designee of the executive of a county having a consolidated city shall begin a transition process with the constables of the small claims courts in the county to properly transfer the functions, duties, and responsibilities of the constables to the executive. The designee of the county executive shall present to the county executive a report on the status of the transition. The report is a public record for purposes of IC 5-14-3 and shall be made available to the public upon request. The transfer of the functions, duties, and responsibilities of each constable to the executive is effective January 1, 2013. On January 1, 2013, all:**

(1) assets;

(2) debts;

(3) property rights;

(4) equipment;

(5) records; and

(6) contracts;

connected with the operations of each constable are transferred to the county executive.

(b) On January 1, 2013, the county shall provide to each small claims court adequate personnel to:

(1) act as the bailiff of the court;

(2) serve the court's personal service of process;

(3) carry out the orders of the court; and

(4) provide for the preparation and mailing of all registered or certified service.

SECTION 46. IC 33-34-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. The judge of the circuit court, with the assistance of the clerk of the circuit court, the judges of the small claims courts, and the state board of accounts, shall, at the expense of the townships **(before January 1, 2013) or the county (after December 31, 2012):**

(1) provide the forms, blanks, court calendar books, judgment dockets, and fee books; and

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(2) make rules and instructions to direct the judges in keeping records and making reports.

The clerk of the circuit court shall keep full and permanent records and reports of each judge's past and current proceedings, indexed and available for reference as a public record.

SECTION 47. IC 33-34-8-1, AS AMENDED BY P.L.176-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

(1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.

(2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service. **This subdivision expires January 1, 2013.**

(3) After December 31, 2012, a fee for service of process by registered or certified mail of thirteen dollars (\$13) for each service.

~~(3)~~ (4) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service. **This subdivision expires January 1, 2013.**

(5) After December 31, 2012, the cost for the personal service of process by the process server of thirteen dollars (\$13) for each service.

~~(4)~~ (6) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.

~~(5)~~ (7) A redocketing fee, if any, of five dollars (\$5).

~~(6)~~ (8) A document storage fee under IC 33-37-5-20.

~~(7)~~ (9) An automated record keeping fee under IC 33-37-5-21.

~~(8)~~ (10) A late fee, if any, under IC 33-37-5-22.

~~(9)~~ (11) A public defense administration fee under IC 33-37-5-21.2.

~~(10)~~ (12) A judicial insurance adjustment fee under IC 33-37-5-25.

~~(11)~~ (13) A judicial salaries fee under IC 33-37-5-26.

~~(12)~~ (14) A court administration fee under IC 33-37-5-27.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be

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rounded to the next highest whole number.

SECTION 48. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss), SECTION 391, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the township trustee **(before January 1, 2013) or the clerk of the circuit court (after December 31, 2012)** at the close of each month.

(b) The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; and

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

(c) The remaining twenty-five percent (25%) of the judicial salaries fees described in ~~subdivision (1)(E)~~ **subsection (b)(1)(E)** shall be deposited monthly in the **following**:

(1) The township general fund of the township in which the court is located. The county auditor shall deposit fees distributed under ~~subdivision (2)~~ subsection (b)(2) into the clerk's record perpetuation fund under IC 33-37-5-2. This subdivision expires January 1, 2013.

(2) After December 31, 2012, the county general fund. Deposits made under this subdivision shall be credited to the

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township small claims courts account described in section 5 of this chapter.

(c) (d) The court semiannually shall do the following:

(1) pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court in the trustee's township.

This subdivision expires January 1, 2013.

(2) After December 31, 2012, pay to the clerk of the circuit court the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court. The court administration fees shall be deposited in the county general fund and credited to the township small claims courts account described in section 5 of this chapter.

SECTION 49. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) This section applies after December 31, 2012.

(b) Fees and costs paid and collected under sections 1 and 3 of this chapter shall be deposited in the county general fund and credited to a separate account identified as the township small claims courts account.

(c) Funds credited to the township small claims courts account may be expended only for the purpose of administering this article.

SECTION 50. IC 34-30-2-58, AS AMENDED BY P.L.2-2008, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 58. IC 15-16-8-4 (Concerning township trustees, county officers or employees, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 51. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. A township may not enter into a contract with a term that extends beyond December 31, 2012, unless the contract has been approved by the fiscal body of the county.

SECTION 52. IC 36-1-8-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) This section applies only to townships.

(b) Not later than thirty (30) days after this section is enacted into law, the department of local government finance shall determine whether the balance in each fund (other than a debt service fund or cumulative fund) of a township described in

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subsection (a) exceeds the amount needed by the township to carry out the purposes of the fund. In making the determination of whether there is an excess balance in a fund, the department of local government finance shall consider the balance in the fund relative to:

- (1) the current and past budgeted expenditures from the fund;
- (2) the fund balance that must be maintained by the township for actual or anticipated delayed property tax billing, collection, or distribution;
- (3) the amount of tax anticipation notes or warrants or other obligations incurred by the township for delayed property tax billing, collection, or distribution; and
- (4) the anticipated effects on the township from the application of the circuit breaker credits under IC 6-1.1-20.6.

(c) Not later than thirty (30) days after the department of local government finance makes a determination under subsection (b) concerning a township fund, the township executive shall transfer any excess amounts (as determined by the department of local government finance) from the township fund to the county treasurer.

(d) The county treasurer shall do the following:

- (1) Apply twenty-five percent (25%) of the excess amounts transferred under this section to provide property tax credits at a uniform countywide percentage for persons paying property taxes in the county.
- (2) Deposit twenty-five percent (25%) of the excess amounts transferred under this section to a special fund or account to be used upon appropriation by the county fiscal body for programs designed to alleviate poverty in the county, as specified by ordinance of the county fiscal body.
- (3) Transfer twenty-five percent (25%) of the excess amounts transferred under this section to Indiana University-Northwest to be used by Indiana University-Northwest to do any of the following:
 - (A) Make grants to alleviate urban poverty.
 - (B) Conduct teaching or academic research concerning urban poverty.
- (4) Transfer twenty-five percent (25%) of the excess amounts transferred under this section to Indiana State University to be used by Indiana State University to do any of the following:
 - (A) Make grants to alleviate rural poverty.
 - (B) Conduct teaching or academic research concerning

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1 **rural poverty.**

2 **(e) Money transferred under this section to a county treasurer**
 3 **does not reduce the maximum permissible levy under IC 6-1.1-18.5**
 4 **for the county or for the township from which transfer was made.**

5 SECTION 53. IC 36-1-11-5.7, AS AMENDED BY P.L.128-2008,
 6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2010]: Sec. 5.7. (a) As used in this section, "fire department"
 8 refers to any of the following:

9 (1) A volunteer fire department (as defined in IC 36-8-12-2).

10 (2) The board of fire trustees of a fire protection district
 11 established under IC 36-8-11.

12 **(3) After December 31, 2012, a fire department operated by**
 13 **a county under IC 36-8-13.6.**

14 ~~(3)~~ **(4)** The provider unit of a fire protection territory established
 15 under IC 36-8-19.

16 (b) Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of
 17 this chapter, a disposing agent of a political subdivision may sell or
 18 transfer:

19 (1) real property; or

20 (2) tangible or intangible personal property, licenses, or any
 21 interest in the tangible or intangible personal property or licenses;
 22 without consideration or for a nominal consideration to a fire
 23 department for construction of a fire station or other purposes related
 24 to firefighting.

25 SECTION 54. IC 36-2-16-4, AS AMENDED BY P.L.174-2006,
 26 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2010]: Sec. 4. Each of the following county officers is entitled
 28 to appoint one (1) first or chief deputy, and also may appoint the
 29 number of other full-time or part-time deputies and employees
 30 authorized by the county fiscal body:

31 (1) The county auditor.

32 (2) The county treasurer.

33 (3) The county recorder.

34 (4) The county superintendent of schools.

35 (5) The county sheriff.

36 **(6) The county advocate for the poor.**

37 SECTION 55. IC 36-2-17-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The county
 39 auditor, county treasurer, county surveyor, county sheriff, ~~and~~ county
 40 superintendent of schools, **and county advocate for the poor** shall
 41 keep in their offices all records that they are required to make and shall
 42 deliver them to their successors.

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(b) The clerk of the circuit court, county auditor, and county recorder shall use permanent jet-black, nonfading ink when preparing official records in longhand. A person who violates this subsection commits a Class C infraction.

SECTION 56. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 21. County Advocate for the Poor

Sec. 1. This chapter applies to all counties.

Sec. 2. As used in this chapter "county advocate" refers to a county advocate for the poor.

Sec. 3. (a) A county advocate shall be elected under IC 3-10-2-13 by the voters of each county.

(b) The term of office of a county advocate is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

Sec. 4. A county advocate must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The county advocate forfeits office if the county advocate ceases to be a resident of the county.

Sec. 5. The county advocate shall do the following:

- (1) Administer township assistance under IC 12-20 and IC 12-30-4.**
- (2) File an annual personnel report under IC 5-11-13.**
- (3) Provide insulin to the poor under IC 12-20-16.**
- (4) Perform other duties prescribed by statute.**

Sec. 6. The county advocate may do the following:

- (1) Administer oaths when necessary in the discharge of official duties.**
- (2) Personally use a county vehicle for the performance of official duties, but only if the use is authorized by the county legislative body.**
- (3) Exercise other powers granted by statute.**

SECTION 57. IC 36-2-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 22. County Fire Protection Duties

Sec. 1. (a) Except as provided in subsection (b), after December 31, 2012, the county executive is responsible for providing fire protection in a manner authorized by IC 36-8-13.6 in a township that is abolished under IC 36-6-1.1.

(b) The county executive is not responsible for providing fire

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1 protection in those areas of the county served by a municipal fire
2 department, fire protection district, or fire protection territory.

3 **Sec. 2. The county executive may adopt an ordinance to provide**
4 **for the imposition and collection of fees for ambulance services**
5 **provided by the fire department providing fire protection under**
6 **IC 36-8-13.6.**

7 **Sec. 3. If, as of December 31, 2012, a township that is abolished**
8 **under IC 36-6-1.1 has a local board for the 1937 firefighters'**
9 **pension fund or the 1977 police officers' and firefighters' pension**
10 **and disability fund, that local board is dissolved on January 1,**
11 **2013, and the powers, duties, and responsibilities of the local board**
12 **under IC 36-8-7 or IC 36-8-8, respectively, are assumed by the**
13 **county's local board for the 1937 firefighters' pension fund and the**
14 **local board for the 1977 police officers' and firefighters' pension**
15 **and disability fund, respectively. Notwithstanding any other**
16 **provision, the legislative body of the county may adopt an**
17 **ordinance to adjust the membership of the county's local board to**
18 **reflect the dissolution of the township's local board.**

19 SECTION 58. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
20 SECTION 560, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2010]: Sec. 6.1. (a) This section applies only in
22 a county containing a consolidated city. If the requirements of
23 subsection (g) are satisfied, the fire departments of the following are
24 consolidated into the fire department of a consolidated city (referred to
25 as "the consolidated fire department"):

26 (1) A township for which the consolidation is approved by the
27 township legislative body and trustee and the legislative body and
28 mayor of the consolidated city.

29 (2) Any fire protection territory established under IC 36-8-19 that
30 is located in a township described in subdivision (1).

31 (b) If the requirements of subsection (g) are satisfied, the
32 consolidated fire department shall provide fire protection services
33 within an entity described in subsection (a)(1) or (a)(2) in which the
34 requirements of subsection (g) are satisfied on the date agreed to in the
35 resolution of the township legislative body and the ordinance of the
36 legislative body of the consolidated city.

37 (c) If the requirements of subsection (g) are satisfied and the fire
38 department of an entity listed in subsection (a) is consolidated into the
39 fire department of the consolidated city, all of the property, equipment,
40 records, rights, and contracts of the department consolidated into the
41 fire department of the consolidated city are:

42 (1) transferred to; or

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(2) assumed by;
the consolidated city on the effective date of the consolidation.
However, real property other than real property used as a fire station
may be transferred only on terms mutually agreed to by the legislative
body and mayor of the consolidated city and the trustee and legislative
body of the township in which that real property is located.

(d) If the requirements of subsection (g) are satisfied and the fire
department of an entity listed in subsection (a) is consolidated into the
fire department of the consolidated city, the employees of the fire
department consolidated into the fire department of the consolidated
city cease employment with the department of the entity listed in
subsection (a) and become employees of the consolidated fire
department on the effective date of the consolidation. The consolidated
city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the
fire department of the consolidated city who become employees
of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire
department of an entity listed in subsection (a) is consolidated into the
fire department of a consolidated city, the indebtedness related to fire
protection services incurred before the effective date of the
consolidation by the entity or a building, holding, or leasing
corporation on behalf of the entity whose fire department is
consolidated into the consolidated fire department under subsection (a)
shall remain the debt of the entity and does not become and may not be
assumed by the consolidated city. Indebtedness related to fire
protection services that is incurred by the consolidated city before the
effective date of the consolidation shall remain the debt of the
consolidated city and property taxes levied to pay the debt may only be
levied by the fire special service district.

(f) If the requirements of subsection (g) are satisfied and the fire
department of an entity listed in subsection (a) is consolidated into the
fire department of a consolidated city, the merit board and the merit
system of the fire department that is consolidated are dissolved on the
effective date of the consolidation, and the duties of the merit board are
transferred to and assumed by the merit board for the consolidated fire
department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township
trustee, may adopt a resolution approving the consolidation of the
township's fire department with the fire department of the consolidated
city. A township legislative body may adopt a resolution under this

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subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) The following apply if the requirements of subsection (g) are satisfied:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits

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under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the

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operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers; that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(i) On January 1, 2013, the fire department of a township described in IC 36-6-1.1-2(b) is consolidated into the fire department of the consolidated city under this section as provided in IC 36-6-1.1-2(b).

SECTION 59. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2010]:

Chapter 1.1. Abolishing of Township Government

Sec. 1. This chapter applies to all counties.

Sec. 2. (a) The following occur on January 1, 2013:

(1) Each office of township trustee, township board, township assessor, and constable of the small claims court is abolished, and the term of an incumbent township trustee, a township board member, a township assessor, and a constable of the small claims court terminates.

(2) The functions, duties, and responsibilities of the:

(A) township trustee are transferred to the county executive, unless otherwise expressly provided by statute;

(B) township board are transferred to the county council, unless otherwise expressly provided by statute; and

(C) township assessor are transferred to the county assessor.

(3) All:

(A) assets;

(B) debts;

(C) property rights;

(D) equipment;

(E) records;

(F) personnel (except otherwise provided for by statute); and

(G) contracts;

connected with the operations of a township are transferred to the county.

(4) Except as specifically provided by law, the duties and powers of a township related to fire protection and related operations are transferred as provided in IC 36-2-22 and IC 36-6-1.2.

(b) If a township in a county having a consolidated city has not consolidated its fire department under IC 36-3-1-6.1, the township fire department is consolidated on January 1, 2013, into the fire department of the consolidated city (rather than into a county fire department). Notwithstanding IC 36-3-1-6.1, in the case of a township fire department consolidated on January 1, 2013, into the fire department of the consolidated city under this subsection, the consolidation of the township's fire department into the fire department of the consolidated city occurs January 1, 2013, without any action required by the executive and the legislative body of the township or by the executive and the legislative body

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of the consolidated city.

Sec. 3. The balance on January 1, 2013, in a debt service fund of a township:

(1) is transferred to the county in which the township is located; and

(2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 4. (a) On January 1, 2013, the balance in a township's general fund attributable to the duties of the township trustee under IC 36-6-4-3, other than the duties concerning fire protection transferred under IC 36-3-1-6.1, is transferred to the county executive.

(b) The department of local government finance shall determine the amounts to be transferred under subsection (a).

(c) IC 36-1-8-5 does not apply to a balance referred to in subsection (a).

Sec. 5. (a) The balance in a township's township assistance fund attributable to the duties of the township trustee on January 1, 2013:

(1) is transferred to the county; and

(2) shall be deposited in the township assistance fund established under IC 12-20-1-6.

(b) The department of local government finance shall determine the amounts to be transferred under this section.

(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

Sec. 6. (a) Any indebtedness and any lease rental obligation incurred before January 1, 2013, by a township that is abolished under this chapter become an obligation of the county in which the township is located and shall be assumed, defeased, paid, or refunded by the county. The county may levy property taxes to pay the indebtedness or lease rental obligations only in the area of the township that was abolished.

(b) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness or lease rental obligations described in subsection (a), the county is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness or lease rental obligations.

(c) Notwithstanding subsections (a) and (b), a county may not

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1 assume all or a part of the indebtedness described in subsection (a)
 2 that will exceed the limitations on the amount of indebtedness that
 3 the county may incur. To the extent a county may not assume all or
 4 a part of the indebtedness described in subsection (a) because to do
 5 so would exceed the limitations on the amount of indebtedness that
 6 the county may incur, the abolished township shall continue to
 7 exist as a taxing unit only for the purpose of levying property taxes
 8 necessary to pay the indebtedness that is not assumed by the
 9 county.

10 (d) The rights of the trustee and the bondholders with respect to
 11 any:

12 (1) indebtedness described in subsection (a); or

13 (2) bond resolution, trust agreement or indenture, security
 14 agreement, purchase agreement, or other undertaking with
 15 respect to indebtedness described in subsection (a);

16 remain the same, although the powers, duties, agreements, and
 17 liabilities of the townships have been transferred to the county, and
 18 the county is considered to have assumed all those powers, duties,
 19 agreements, and liabilities.

20 Sec. 7. Except as specifically provided by law, after December
 21 31, 2012, a reference in the Indiana Code or the Indiana
 22 Administrative Code to:

23 (1) a township is considered a reference to the county
 24 containing the township, unless the reference is to a township
 25 in the geographic sense or the reference is to the population of
 26 the township;

27 (2) a township legislative body is considered a reference to the
 28 county legislative body of the county containing the township;

29 (3) a township fiscal body is considered a reference to the
 30 county fiscal body of the county containing the township; and

31 (4) a township executive is considered a reference to the
 32 county executive of the county containing the township.

33 Sec. 8. This chapter contains full and complete authority for the
 34 county to take any action necessary to transfer the duties and
 35 powers of a township that is abolished under this chapter to the
 36 county.

37 Sec. 9. Each township retains its geographical boundaries and
 38 its name.

39 Sec. 10. Beginning January 1, 2013, a township's distributive
 40 share of any state or local income taxes or excise taxes (other than
 41 property taxes) is transferred to the county.

42 Sec. 11. (a) The department of local government finance shall

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1 adjust maximum permissible property tax levies and property tax
 2 rates of units of local government as necessary to account for
 3 transfers of duties, powers, and obligations under this chapter.

4 (b) The department of local government finance shall increase
 5 the county's maximum permissible property tax levy for taxes first
 6 due and payable in 2013 by an amount equal to the total combined
 7 maximum permissible property tax levies for all townships in the
 8 county for property taxes first due and payable in 2012 (excluding
 9 any township property taxes for fire protection considered in
 10 making an adjustment to the maximum permissible property tax
 11 levy of the county under IC 6-1.1-18.5-18.5 and IC 36-6-1.2).

12 SECTION 60. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE
 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2010]:

15 **Chapter 1.2. Transfer of Township Fire Services**

16 **Sec. 1.** Except as provided in IC 36-2-22-1(b), the functions,
 17 duties, and responsibilities of the township trustee and township
 18 board with respect to providing fire protection and related services
 19 are transferred to the county on January 1, 2013.

20 **Sec. 2.** The balance on January 1, 2013, in a debt service fund of
 21 a township that relates to debt incurred for firefighting purposes:

22 (1) is transferred to the county in which the township is
 23 located; and

24 (2) shall be used by the county to pay indebtedness or lease
 25 rentals for which the fund was established.

26 Any balance remaining in the fund after all payments for
 27 indebtedness or lease rentals required under this section have been
 28 made is transferred to the county general fund.

29 **Sec. 3. (a)** The balance on January 1, 2013, in a township's
 30 firefighting fund:

31 (1) except as provided in subdivision (2), is transferred to the
 32 county firefighting fund established under IC 36-8-13.6; and

33 (2) in a township that:

34 (A) is located in a county having a consolidated city; and

35 (B) has the township's fire department consolidated on
 36 January 1, 2013, into the fire department of the
 37 consolidated city;

38 is transferred to the appropriate firefighting fund or
 39 firefighting funds of the consolidated city.

40 (b) The department of local government finance shall determine
 41 the amounts to be transferred under this section.

42 (c) IC 36-1-8-5 does not apply to a balance referred to in this

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1 section.

2 Sec. 4. (a) The balance on January 1, 2013, in an abolished
3 township's cumulative building and equipment fund established
4 under IC 36-8-14-2 for fire protection and related services:

5 (1) is transferred to the county in which the township is
6 located; and

7 (2) shall be used by the county to pay any indebtedness or
8 lease rentals related to fire protection services due after
9 December 31, 2012.

10 Any balance remaining in the fund after all payments for
11 indebtedness or lease rentals required under this section have been
12 made is transferred to the county cumulative building and
13 equipment fund established under IC 36-8-14-2.

14 (b) The department of local government finance shall determine
15 the amounts to be transferred under this section.

16 (c) IC 36-1-8-5 does not apply to a balance referred to in this
17 section.

18 Sec. 5. (a) The maximum permissible ad valorem property tax
19 levy of the township, the consolidated city, and the county shall be
20 adjusted under IC 6-1.1-18.5-18.5 to reflect the transfer of
21 responsibilities under this chapter.

22 (b) The maximum firefighting levy of a county for ad valorem
23 property taxes first due and payable in 2013 is equal to the
24 combined maximum ad valorem property tax levies under
25 IC 6-1.1-18.5 for taxes first due and payable in 2012 for the
26 townships' firefighting funds established under IC 36-8-13-4 of all
27 of the townships in the county that are abolished under IC 36-6-1.1.

28 SECTION 61. IC 36-6-4-1 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) This chapter
30 applies to all townships.

31 (b) This chapter expires January 1, 2013.

32 SECTION 62. IC 36-6-5-1, AS AMENDED BY P.L.1-2009,
33 SECTION 164, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Subject to subsection (g),
35 before 2009, a township assessor shall be elected under IC 3-10-2-13
36 by the voters of each township:

37 (1) having:

38 (A) a population of more than eight thousand (8,000); or

39 (B) an elected township assessor or the authority to elect a
40 township assessor before January 1, 1979; and

41 (2) in which the number of parcels of real property on January 1,
42 2008, is at least fifteen thousand (15,000).

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(b) Subject to subsection (g), before 2009, a township assessor shall be elected under IC 3-10-2-14 (repealed effective July 1, 2008) in each township:

(1) having a population of more than five thousand (5,000) but not more than eight thousand (8,000), if:

(A) the legislative body of the township, by resolution, declares that the office of township assessor is necessary; and

(B) the resolution is filed with the county election board not later than the first date that a declaration of candidacy may be filed under IC 3-8-2; and

(2) in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000).

(c) Subject to subsection (g), a township government that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this section.

(d) Subject to subsection (g), after 2008 a township assessor shall be elected under IC 3-10-2-13 only by the voters of each township in which:

(1) the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000); and

(2) the transfer to the county assessor of the assessment duties prescribed by IC 6-1.1 is disapproved in the referendum under IC 36-2-15.

(e) The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

(f) The term of office of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

(g) A person who runs for the office of township assessor in an election after June 30, 2008, is subject to IC 3-8-1-23.6.

(h) After June 30, 2008, the county assessor shall perform the assessment duties prescribed by IC 6-1.1 in a township in which the number of parcels of real property on January 1, 2008, is less than fifteen thousand (15,000).

(i) A township assessor may not be elected after 2010.

SECTION 63. IC 36-6-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2010]: **Sec. 5. This chapter expires January 1, 2013.**

SECTION 64. IC 36-6-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) This chapter applies to all townships.

(b) This chapter expires January 1, 2013.

SECTION 65. IC 36-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) This chapter applies to all townships

(b) This chapter expires January 1, 2013.

SECTION 66. IC 36-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) This chapter applies to all townships.

(b) This chapter expires January 1, 2013.

SECTION 67. IC 36-8-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) This section also applies to all towns and **(before January 1, 2013)** townships that have full-time, paid police or fire departments **and (after December 31, 2012) counties that have full-time, paid fire departments.** For purposes of this section, the appropriate appointing authority of a town, ~~or~~ township **(before January 1, 2013), or county (after December 31, 2012)** is considered the safety board of a town, ~~or~~ township, **or county.** In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town for police department purposes.

(b) Except as provided in subsection (m), a member of the police or fire department holds office or grade until the member is dismissed or demoted by the safety board. Except as provided in subsection (n), a member may be disciplined by demotion, dismissal, reprimand, forfeiture, or suspension upon either:

- (1) conviction in any court of any crime; or
- (2) a finding and decision of the safety board that the member has been or is guilty of any one (1) or more of the following:
 - (A) Neglect of duty.
 - (B) A violation of rules.
 - (C) Neglect or disobedience of orders.
 - (D) Incapacity.
 - (E) Absence without leave.
 - (F) Immoral conduct.
 - (G) Conduct injurious to the public peace or welfare.
 - (H) Conduct unbecoming an officer.
 - (I) Another breach of discipline.

The safety board may not consider the political affiliation of the

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member in making a decision under this section. If a member is suspended or placed on administrative leave under this subsection, the member is entitled to the member's allowances for insurance benefits to which the member was entitled before being suspended or placed on administrative leave. In addition, the local unit may provide the member's allowances for any other fringe benefits to which the member was entitled before being suspended or placed on administrative leave.

(c) Before a member of a police or fire department may be suspended in excess of five (5) days without pay, demoted, or dismissed, the safety board shall offer the member an opportunity for a hearing. If a member desires a hearing, the member must request the hearing not more than five (5) days after the notice of the suspension, demotion, or dismissal. Written notice shall be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The hearing conducted under this subsection shall be held not more than thirty (30) days after the hearing is requested by the member, unless a later date is mutually agreed upon by the parties. The notice must state:

- (1) the time and place of the hearing;
- (2) the charges against the member;
- (3) the specific conduct that comprises the charges;
- (4) that the member is entitled to be represented by counsel;
- (5) that the member is entitled to call and cross-examine witnesses;
- (6) that the member is entitled to require the production of evidence; and
- (7) that the member is entitled to have subpoenas issued, served, and executed in the county where the unit is located.

If the corporation counsel or city attorney is a member of the safety board of a city, the counsel or attorney may not participate as a safety board member in a disciplinary hearing concerning a member of either department. The safety board shall determine if a member of the police or fire department who is suspended in excess of five (5) days shall continue to receive the member's salary during the suspension.

(d) Upon an investigation into the conduct of a member of the police or fire department, or upon the trial of a charge preferred against a member of either department, the safety board may compel the attendance of witnesses, examine them under oath, and require the production of books, papers, and other evidence at a meeting of the board. For this purpose, the board may issue subpoenas and have them served and executed in any part of the county where the unit is located.

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1 If a witness refuses to testify or to produce books or papers in the
 2 witness's possession or under the witness's control, IC 36-4-6-21
 3 controls to the extent applicable. The proper court may compel
 4 compliance with the order by attachment, commitment, or other
 5 punishment.

6 (e) The reasons for the suspension, demotion, or dismissal of a
 7 member of the police or fire department shall be entered as specific
 8 findings of fact upon the records of the safety board. A member who is
 9 suspended for a period exceeding five (5) days, demoted, or dismissed
 10 may appeal the decision to the circuit or superior court of the county in
 11 which the unit is located. However, a member may not appeal any other
 12 decision.

13 (f) An appeal under subsection (e) must be taken by filing in court,
 14 within thirty (30) days after the date the decision is rendered, a verified
 15 complaint stating in concise manner the general nature of the charges
 16 against the member, the decision of the safety board, and a demand for
 17 the relief asserted by the member. A bond must also be filed that
 18 guarantees the appeal will be prosecuted to a final determination and
 19 that the plaintiff will pay all costs adjudged against the plaintiff. The
 20 bond must be approved as bonds for costs are approved in other cases.
 21 The unit must be named as the sole defendant, and the plaintiff shall
 22 have a summons issued as in other cases against the unit. Neither the
 23 safety board nor the members of it may be made parties defendant to
 24 the complaint, but all are bound by service upon the unit and the
 25 judgment rendered by the court.

26 (g) In an appeal under subsection (e), no pleading is required by the
 27 unit to the complaint, but the allegations are considered denied. The
 28 unit may file a motion to dismiss the appeal for failure to perfect it
 29 within the time and in the manner required by this section. If more than
 30 one (1) person was included in the same charges and in the same
 31 decision of dismissal by the safety board, then one (1) or more of the
 32 persons may join as plaintiffs in the same complaint, but only the
 33 persons that appeal from the decision are affected by it. The decision
 34 of the safety board is final and conclusive upon all persons not
 35 appealing. The decision appealed from is not stayed or affected
 36 pending the final determination of the appeal, but remains in effect
 37 unless modified or reversed by the final judgment of the court.

38 (h) A decision of the safety board is considered prima facie correct,
 39 and the burden of proof is on the party appealing. All appeals shall be
 40 tried by the court. The appeal shall be heard de novo only upon any
 41 new issues related to the charges upon which the decision of the safety
 42 board was made. The charges are considered to be denied by the

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1 accused person. Within ten (10) days after the service of summons, the
 2 safety board shall file in court a complete transcript of all papers,
 3 entries, and other parts of the record relating to the particular case.
 4 Inspection of these documents by the person affected, or by the person's
 5 agent, must be permitted by the safety board before the appeal is filed,
 6 if requested. Each party may produce evidence relevant to the issues
 7 that it desires, and the court shall review the record and decision of the
 8 safety board upon appeal.

9 (i) The court shall make specific findings and state the conclusions
 10 of law upon which its decision is made. If the court finds that the
 11 decision of the safety board appealed from should in all things be
 12 affirmed, its judgment should state that, and judgment for costs shall
 13 be rendered against the party appealing. If the court finds that the
 14 decision of the safety board appealed from should not be affirmed in all
 15 things, then the court shall make a general finding, setting out
 16 sufficient facts to show the nature of the proceeding and the court's
 17 decision on it. The court shall either:

18 (1) reverse the decision of the safety board; or

19 (2) order the decision of the safety board to be modified.

20 (j) The final judgment of the court may be appealed by either party.
 21 Upon the final disposition of the appeal by the courts, the clerk shall
 22 certify and file a copy of the final judgment of the court to the safety
 23 board, which shall conform its decisions and records to the order and
 24 judgment of the court. If the decision is reversed or modified, then the
 25 safety board shall pay to the party entitled to it any salary or wages
 26 withheld from the party pending the appeal and to which the party is
 27 entitled under the judgment of the court.

28 (k) Either party shall be allowed a change of venue from the court
 29 or a change of judge in the same manner as such changes are allowed
 30 in civil cases. The Indiana Rules of Trial Procedure govern in all
 31 matters of procedure upon the appeal that are not otherwise provided
 32 for by this section.

33 (l) An appeal takes precedence over other pending litigation and
 34 shall be tried and determined by the court as soon as practical.

35 (m) Except as provided in IC 36-5-2-13, the executive may reduce
 36 in grade any member of the police or fire department who holds an
 37 upper level policy making position. The reduction in grade may be
 38 made without adhering to the requirements of subsections (b) through
 39 (l). However, a member may not be reduced in grade to a rank below
 40 that which the member held before the member's appointment to the
 41 upper level policy making position.

42 (n) If the member is subject to criminal charges, the board may

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place the member on administrative leave until the disposition of the criminal charges in the trial court. Any other action by the board is stayed until the disposition of the criminal charges in the trial court. An administrative leave under this subsection may be with or without pay, as determined by the board. If the member is placed on leave without pay, the board, in its discretion, may award back pay if the member is exonerated in the criminal matter.

SECTION 68. IC 36-8-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4.1. (a) This section ~~also~~ applies to all towns **that have full-time paid police or fire departments**, and townships that have full-time, paid police or fire departments **(before January 1, 2013), and counties that have full-time, paid fire departments (after December 31, 2012)**. For purposes of this section, the appropriate appointing authority of a town, ~~or~~ township **(before January 1, 2013), or county (after December 31, 2012)** is considered the safety board of ~~a~~ **the** town, ~~or~~ township, **or county**. In a town with a board of metropolitan police commissioners, that board is considered the safety board of the town.

(b) In addition to the disciplinary powers of the safety board, the chief of the department may, without a hearing, reprimand or suspend without pay a member, including a police radio or signal alarm operator or a fire alarm operator, for a maximum of five (5) working days. For the purposes of this section, eight (8) hours of paid time constitutes one (1) working day. If a chief reprimands a member in writing or suspends a member, the chief shall, within forty-eight (48) hours, notify the board in writing of the action and the reasons for the action. A member who is reprimanded in writing or suspended under this section may, within forty-eight (48) hours after receiving notice of the reprimand or suspension, request in writing that the board review the reprimand or suspension and either uphold or reverse the chief's decision. At its discretion, the board may hold a hearing during this review. If the board holds a hearing, written notice must be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under section 4(c) of this chapter. If the decision is reversed, the member who was suspended is entitled to any wages withheld as a result of the suspension.

SECTION 69. IC 36-8-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. Members of the safety board and members of any township, town, or city (including a consolidated city) police department, fire department **(including, after**

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1 **December 31, 2012, a fire department operated by a county under**
 2 **IC 36-8-13.6),** or volunteer fire department (as defined by
 3 IC 36-8-12-2) may:

- 4 (1) be candidates for elective office and serve in that office if
 5 elected;
 6 (2) be appointed to any office and serve in that office if appointed;
 7 and
 8 (3) as long as they are not in uniform and not on duty, solicit votes
 9 and campaign funds and challenge voters for the office for which
 10 they are candidates.

11 SECTION 70. IC 36-8-3.5-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) This chapter
 13 applies to each municipality or **(before January 1, 2013)** township that
 14 has a full-time paid police or fire department **and, after December 31,**
 15 **2012, to each county that has a full-time paid fire department**
 16 **under IC 36-8-13.6.** A municipality may exercise the power of
 17 establishing a merit system for its police or fire department under this
 18 chapter or by ordinance adopted under IC 36-1-4-14. **A county may**
 19 **exercise the power of establishing a merit system for the county's**
 20 **fire department under this chapter or by ordinance adopted under**
 21 **IC 36-1-4-14.** A township may exercise the power of establishing a
 22 merit system for its fire department under this chapter or by resolution
 23 under IC 36-1-4-14. This chapter does not affect merit systems
 24 established:

- 25 (1) by ordinance under IC 36-1-4-14, except as provided by
 26 subsection (e);
 27 (2) by resolution under IC 36-1-4-14, except as provided by
 28 subsection (f); or
 29 (3) by a prior statute, except as provided by subsection (b).

30 (b) If a city had a merit system for its police or fire department
 31 under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2,
 32 IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29,
 33 IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5 **(before their**
 34 **repeal),** it may retain that system by ordinance of the city legislative
 35 body passed before January 1, 1983. The ordinance must initially
 36 incorporate all the provisions of the prior statute but may be amended
 37 by the legislative body after December 31, 1984. The ordinance
 38 retaining the system must be amended, if necessary, to include a
 39 provision under which the commission (or governing board of the merit
 40 system) has at least one-third (1/3) of its members elected by the active
 41 members of the department as prescribed by section 8 of this chapter.
 42 Each elected commission member must:

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1 (1) be a person of good moral character; and

2 (2) except for a member of a fire department having a merit
3 system established under IC 19-1-37.5 (**before its repeal**), not be
4 an active member of a police or fire department or agency.

5 (c) After December 31, 1984, the legislative body also may repeal
6 the ordinance described in subsection (b), but the legislative body shall
7 in the repealing ordinance concurrently establish a new merit system
8 under section 3 of this chapter. (This subsection does not require the
9 legislative body to establish a new merit system when it exercises its
10 power to amend the ordinance under subsection (b).) After the new
11 merit system takes effect, all members of the department are entitled to
12 the same ranks and pay grades the members held under the prior
13 system, subject to changes made in accordance with this chapter.

14 (d) If a city had a merit system for its police or fire department
15 under a prior statute but fails to retain that system under subsection (b),
16 the city legislative body shall, before July 1, 1983, pass an ordinance
17 to establish a new merit system under section 3 of this chapter. If the
18 new merit system is approved as provided by section 4 of this chapter,
19 it takes effect as provided by that section. However, if the new merit
20 system is rejected under section 4 of this chapter, within thirty (30)
21 days the city legislative body shall adopt an ordinance to retain the
22 prior merit system. The prior merit system remains in effect until the
23 new merit system takes effect, after which time all members of the
24 department are entitled to the same ranks and pay grades the members
25 held under the prior system, subject to changes made in accordance
26 with this chapter.

27 (e) An ordinance adopted under IC 36-1-4-14 to establish a police
28 or fire merit system must include a provision under which the
29 commission, or governing board of the merit system, has at least
30 one-third (1/3) of its members elected by the active members of the
31 department as prescribed by section 8 of this chapter. Each elected
32 commission member must be a person of good moral character who is
33 not an active member of a police or fire department or agency. If an
34 ordinance was adopted under IC 36-1-4-14 before July 1, 1988, the
35 ordinance must be amended to include this requirement.

36 (f) This chapter does not prevent a township or other unit that has
37 adopted a merit system under section 3 of this chapter from later
38 amending or deleting any provisions of the merit system contained in
39 this chapter. However, the merit system must include a provision under
40 which the commission has at least one-third (1/3) of its members
41 elected by the active members of the department, as set forth in section
42 8 of this chapter and a provision that incorporates the requirements of

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section 6(a) of this chapter. This subsection does not require the legislative body to establish a new merit system when it exercises its power to amend under this subsection.

SECTION 71. IC 36-8-7-1, AS AMENDED BY P.L.227-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1937 fund.

(d) A firefighter who:

- (1) is covered by this chapter before a consolidation under IC 36-3-1-6.1; and
- (2) becomes a member of a fire department of a consolidated city under IC 36-3-1-6.1;

is covered by this chapter after the effective date of the consolidation, and the firefighter's service as a member of a fire department of a consolidated city is considered active service under this chapter.

(e) A firefighter who:

- (1) as of December 31, 2012, is a member of the 1937 fund as a firefighter with a township fire department; and
- (2) after the township government is abolished under IC 36-6-1.1 becomes a member of the county fire department; is covered by this chapter after the firefighter becomes a member of the county fire department, and the firefighter's service as a member of a township fire department that was covered under this chapter before January 1, 2013, is considered active service under this chapter.

SECTION 72. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2010]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; ~~and~~

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; ~~and~~

(9) a full-time fully paid firefighter who:

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1 **(A) as of December 31, 2012, is a member of the 1977 fund**
 2 **as a firefighter with a township fire department; and**
 3 **(B) after the township government is abolished under**
 4 **IC 36-6-1.1 becomes a member of the county fire**
 5 **department under IC 36-8-13.6;**

6 except as provided by section 7 of this chapter.

7 SECTION 73. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
 8 SECTION 575, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Except as provided in
 10 subsections (d), (e), (f), (g), (h), (k), (l), ~~and (m)~~, **and (n)**:

11 (1) a police officer; or

12 (2) a firefighter;

13 who is less than thirty-six (36) years of age and who passes the baseline
 14 statewide physical and mental examinations required under section 19
 15 of this chapter shall be a member of the 1977 fund and is not a member
 16 of the 1925 fund, the 1937 fund, or the 1953 fund.

17 (b) A police officer or firefighter with service before May 1, 1977,
 18 who is hired or rehired after April 30, 1977, may receive credit under
 19 this chapter for service as a police officer or firefighter prior to entry
 20 into the 1977 fund if the employer who rehires the police officer or
 21 firefighter chooses to contribute to the 1977 fund the amount necessary
 22 to amortize the police officer's or firefighter's prior service liability over
 23 a period of not more than forty (40) years, the amount and the period
 24 to be determined by the PERF board. If the employer chooses to make
 25 the contributions, the police officer or firefighter is entitled to receive
 26 credit for the police officer's or firefighter's prior years of service
 27 without making contributions to the 1977 fund for that prior service. In
 28 no event may a police officer or firefighter receive credit for prior years
 29 of service if the police officer or firefighter is receiving a benefit or is
 30 entitled to receive a benefit in the future from any other public pension
 31 plan with respect to the prior years of service.

32 (c) Except as provided in section 18 of this chapter, a police officer
 33 or firefighter is entitled to credit for all years of service after April 30,
 34 1977, with the police or fire department of an employer covered by this
 35 chapter.

36 (d) A police officer or firefighter with twenty (20) years of service
 37 does not become a member of the 1977 fund and is not covered by this
 38 chapter, if the police officer or firefighter:

39 (1) was hired before May 1, 1977;

40 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 41 of which were repealed September 1, 1981); and

42 (3) is rehired after April 30, 1977, by the same employer.

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(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
- (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
- (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the

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1 1977 fund and is not covered by this chapter if the individual was
2 appointed as:

3 (1) a fire chief under a waiver under IC 36-8-4-6(c); or

4 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

5 unless the executive of the unit requests that the 1977 fund accept the
6 individual in the 1977 fund and the individual previously was a
7 member of the 1977 fund.

8 (i) A police matron hired or rehired after April 30, 1977, and before
9 July 1, 1996, who is a member of a police department in a second or
10 third class city on March 31, 1996, is a member of the 1977 fund.

11 (j) A park ranger who:

12 (1) completed at least the number of weeks of training at the
13 Indiana law enforcement academy or a comparable law
14 enforcement academy in another state that were required at the
15 time the park ranger attended the Indiana law enforcement
16 academy or the law enforcement academy in another state;

17 (2) graduated from the Indiana law enforcement academy or a
18 comparable law enforcement academy in another state; and

19 (3) is employed by the parks department of a city having a
20 population of more than one hundred twenty thousand (120,000)
21 but less than one hundred fifty thousand (150,000);

22 is a member of the fund.

23 (k) Notwithstanding any other provision of this chapter, a police
24 officer or firefighter:

25 (1) who is a member of the 1977 fund before a consolidation
26 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

27 (2) whose employer is consolidated into the consolidated law
28 enforcement department or the fire department of a consolidated
29 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

30 (3) who, after the consolidation, becomes an employee of the
31 consolidated law enforcement department or the consolidated fire
32 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

33 is a member of the 1977 fund without meeting the requirements under
34 sections 19 and 21 of this chapter.

35 (l) Notwithstanding any other provision of this chapter, if:

36 (1) before a consolidation under IC 8-22-3-11.6, a police officer
37 or firefighter provides law enforcement services or fire protection
38 services for an entity in a consolidated city;

39 (2) the provision of those services is consolidated into the law
40 enforcement department or fire department of a consolidated city;
41 and

42 (3) after the consolidation, the police officer or firefighter

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becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) Notwithstanding any other provision of this chapter, a firefighter who:

(1) as of December 31, 2012, is a member of the 1977 fund as a firefighter with a township fire department; and

(2) after the township government is abolished under IC 36-6-1.1 becomes a member of the county fire department under IC 36-8-13.6;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter. A firefighter described in this subsection is entitled to receive credit for all years of service as a member of the 1977 fund before becoming a member of the county fire department.

~~(m)~~ **(n)** A police officer or firefighter who is a member of the 1977 fund under subsection (k), ~~or~~ (l), **or (m):**

(1) may not be:

~~(1)~~ **(A)** retired for purposes of section 10 of this chapter; or

~~(2)~~ **(B)** disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation; **and**

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k), (l), or (m).

SECTION 74. IC 36-8-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) A county legislative body may establish fire protection districts for any of the following purposes:

(1) Fire protection, including the capability for extinguishing all fires that might be reasonably expected because of the types of improvements, personal property, and real property within the boundaries of the district.

(2) Fire prevention, including identification and elimination of all potential and actual sources of fire hazard.

(3) Other purposes or functions related to fire protection and fire prevention.

(b) Any area may be established as a fire protection district, but one (1) part of a district may not be completely separate from another part. A municipality may be included in a district, but only if it consents by

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ordinance, unless a majority of the freeholders of the municipality have petitioned to be included in the district.

(c) Except as provided in subsection (d), the territory of a district may consist of:

(1) one (1) or more townships and parts of one (1) or more townships in the same county; or

(2) all of the townships in the same county.

The boundaries of a district need not coincide with those of other political subdivisions.

(d) The territory of a district may consist of a municipality that is located in more than one (1) county.

(e) The abolishing of township government under IC 36-6-1.1 and the transfer of fire protection responsibilities to counties under IC 36-2-22 and IC 36-8-13.6 (effective January 1, 2013) do not:

(1) terminate or otherwise affect a fire protection district in existence under this chapter as of January 1, 2013; or

(2) terminate or otherwise affect the ability to establish fire protection districts under this chapter.

SECTION 75. IC 36-8-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 15. (a) The board:

(1) has the same powers and duties as a township executive **(before January 1, 2013) or county executive (after December 31, 2012)** with respect to fire protection functions, including those duties and powers prescribed by IC 36-8-13 **(before January 1, 2013), or IC 36-8-13.6 (after December 31, 2012)**, although all cooperative and joint actions permitted by that chapter must be undertaken according to this chapter;

(2) has the same powers and duties as a township executive **(before January 1, 2013) or county executive (after December 31, 2012)** relative to contracting with volunteer firefighting companies, as prescribed by IC 36-8-12, ~~and~~ IC 36-8-13 **(before January 1, 2013), or IC 36-8-13.6 (after December 31, 2012);**

(3) shall appoint, fix the compensation, and prescribe the duties of a fiscal officer, secretarial staff, persons performing special and temporary services or providing legal counsel, and other personnel considered necessary for the proper functioning of the district; however, a person appointed as fiscal officer must be bonded by good and sufficient sureties in an amount ordered by the county legislative body to protect the district from financial loss;

(4) shall exercise general supervision of and make regulations for the administration of the district's affairs;

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- 1 (5) shall prescribe uniform rules pertaining to investigations and
- 2 hearings;
- 3 (6) shall supervise the fiscal affairs and responsibilities of the
- 4 district;
- 5 (7) may delegate to employees of the district the authority to
- 6 perform ministerial acts, except in cases in which final action of
- 7 the board is necessary;
- 8 (8) shall keep accurate and complete records of all departmental
- 9 proceedings, record and file all bonds and contracts, and assume
- 10 responsibility for the custody and preservation of all papers and
- 11 documents of the district;
- 12 (9) shall make an annual report to the executive and the fiscal
- 13 body of the county that at least lists the financial transactions of
- 14 the district and a statement of the progress in accomplishing the
- 15 purposes for which the district has been established;
- 16 (10) shall adopt a seal and certify all official acts;
- 17 (11) may sue and be sued collectively by its legal name ("Board
- 18 of Fire Trustees, _____ Fire Protection District"), with
- 19 service of process made on the chairman of the board, but costs
- 20 may not be taxed against the members individually in an action;
- 21 (12) may invoke any legal, equitable, or special remedy for the
- 22 enforcement of this chapter or of proper action of the board taken
- 23 in a court;
- 24 (13) shall prepare and submit to the fiscal body of the county an
- 25 annual budget for operation and maintenance expenses and for the
- 26 retirement of obligations of the district, subject to review and
- 27 approval by the fiscal body;
- 28 (14) may, if advisable, establish one (1) or more advisory
- 29 committees;
- 30 (15) may enter into agreements with and accept money from a
- 31 federal or state agency and enter into agreements with a
- 32 municipality located within or outside the district, whether or not
- 33 the municipality is a part of the district, for a purpose compatible
- 34 with the purposes for which the district exists and with the
- 35 interests of the municipality;
- 36 (16) may accept gifts of money or other property to be used for
- 37 the purposes for which the district is established;
- 38 (17) may levy taxes at a uniform rate on the real and personal
- 39 property within the district;
- 40 (18) may issue bonds and tax anticipation warrants;
- 41 (19) may incur other debts and liabilities;
- 42 (20) may purchase or rent property;

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(21) may sell services or property that are produced incident to the operations of the district making a fair and reasonable charge for it;

(22) may make contracts or otherwise enter into agreements with public or private persons and federal or state agencies for construction, maintenance, or operations of or in part of the district;

(23) may receive and disburse money; and

(24) may impose a false alarm fee or service charge under IC 36-8-13-4 **(before January 1, 2013) or IC 36-8-13.6-3 (after December 31, 2012).**

(b) Powers granted by this chapter may be used only to accomplish the purpose or purposes as stated in the ordinance or resolution establishing the district. However, an act of the board necessary and proper to accomplish the purposes for which the district is established is not invalid because it incidentally accomplishes a purpose other than one for which the district is established.

SECTION 76. IC 36-8-11-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. The department of local government finance, when approving a rate and levy fixed by the board, shall verify that a duplication of tax levies does not exist between a fire protection district and a municipality, ~~or~~ township **(before January 1, 2013), or county (after December 31, 2012)** within the boundaries of the district, so that taxpayers do not bear two (2) levies for the same service, except as provided by section 20 of this chapter.

SECTION 77. IC 36-8-11-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 21. This chapter does not require a municipality, ~~or~~ township **(before January 1, 2013), or county (after December 31, 2012)** to disband its fire department unless its legislative body consents by ordinance.

SECTION 78. IC 36-8-12-13, AS AMENDED BY P.L.182-2009, SECTION 435, AND AS AMENDED BY P.L.127-2009, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) A volunteer fire department may impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined in ~~IC 13-11-2-191(d)~~ **IC 13-11-2-191(e)**) that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire (as defined in IC 13-11-2-96(b)):

(1) that is responded to by the volunteer fire department; and

(2) that members of that volunteer fire department assisted in

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extinguishing, containing, or cleaning up.

(b) The volunteer fire department shall bill the owner or responsible party of the vehicle for the total dollar value of the assistance that was provided, with that value determined by a method that the state fire marshal shall establish under IC 36-8-12-16. A copy of the fire incident report to the state fire marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner or responsible party shall remit payment directly to the governmental unit providing the service. Any money that is collected under this section may be:

(1) deposited in:

(A) before January 1, 2013, the township firefighting fund established in IC 36-8-13-4; or

(B) after December 31, 2012, the county firefighting fund established under IC 36-8-13.6-3;

(2) used to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus; or

(3) used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

(c) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(d) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(e) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

~~(c)~~ (f) The volunteer fire department may maintain a civil action to recover an unpaid charge that is imposed under subsection (a).

SECTION 79. IC 36-8-12-16, AS AMENDED BY P.L.182-2009(ss), SECTION 436, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 16. (a) A volunteer fire department that provides service within a jurisdiction served by the department may establish a schedule of charges for the services that the department provides not to exceed the state fire marshal's recommended schedule for services. The volunteer fire department or its agent may collect a service charge according to this schedule from the owner of property that receives service if the following conditions are met:

(1) At the following times, the department gives notice under

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IC 5-3-1-4(d) in each political subdivision served by the department of the amount of the service charge for each service that the department provides:

(A) Before the schedule of service charges is initiated.

(B) When there is a change in the amount of a service charge.

(2) The property owner has not sent written notice to the department to refuse service by the department to the owner's property.

(3) The bill for payment of the service charge:

(A) is submitted to the property owner in writing within thirty

(30) days after the services are provided; and

(B) includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report.

(4) Payment is remitted directly to the governmental unit providing the service.

(b) A volunteer fire department shall use the revenue collected from the fire service charges under this section:

(1) for the purchase of equipment, buildings, and property for firefighting, fire protection, or other emergency services;

(2) for deposit:

(A) before January 1, 2013, in the township firefighting fund established under IC 36-8-13-4; or

(B) after December 31, 2012, in the county firefighting fund established under IC 36-8-13.6-3; or

(3) to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(c) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(d) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(e) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

(f) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the

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1 schedule of service charges established under subsection (a) before the
 2 schedule of service charges is initiated in that political subdivision.

3 (g) A volunteer fire department that:

4 (1) has contracted with a political subdivision to provide fire
 5 protection or emergency services; and

6 (2) charges for services under this section;

7 must submit a report to the legislative body of the political subdivision
 8 before April 1 of each year indicating the amount of service charges
 9 collected during the previous calendar year and how those funds have
 10 been expended.

11 (h) The state fire marshal shall annually prepare and publish a
 12 recommended schedule of service charges for fire protection services.

13 (i) The volunteer fire department or its agent may maintain a civil
 14 action to recover an unpaid service charge under this section.

15 SECTION 80. IC 36-8-12-17, AS AMENDED BY P.L.107-2007,
 16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2010]: Sec. 17. (a) If a political subdivision has not imposed
 18 its own false alarm fee or service charge, a volunteer fire department
 19 that provides service within the jurisdiction may establish a service
 20 charge for responding to false alarms. The volunteer fire department
 21 may collect the false alarm service charge from the owner of the
 22 property if the volunteer fire department dispatches firefighting
 23 apparatus or personnel to a building or premises in the township
 24 **(before January 1, 2013) or in the area served by the volunteer fire**
 25 **department (after December 31, 2012)** in response to:

26 (1) an alarm caused by improper installation or improper
 27 maintenance; or

28 (2) a drill or test, if the fire department is not previously notified
 29 that the alarm is a drill or test.

30 However, if the owner of property that constitutes the owner's residence
 31 establishes that the alarm is under a maintenance contract with an
 32 alarm company and that the alarm company has been notified of the
 33 improper installation or maintenance of the alarm, the alarm company
 34 is liable for the payment of the fee or service charge.

35 (b) Before establishing a false alarm service charge, the volunteer
 36 fire department must provide notice under IC 5-3-1-4(d) in each
 37 political subdivision served by the department of the amount of the
 38 false alarm service charge. The notice required by this subsection must
 39 be given:

40 (1) before the false alarm service charge is initiated; and

41 (2) before a change in the amount of the false alarm service
 42 charge.

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(c) A volunteer fire department may not collect a false alarm service charge from a property owner or alarm company unless the department's bill for payment of the service charge:

- (1) is submitted to the property owner in writing within thirty (30) days after the false alarm; and
- (2) includes a copy of a fire incident report in the form prescribed by the state fire marshal.

(d) A volunteer fire department shall use the money collected from the false alarm service charge imposed under this section:

- (1) for the purchase of equipment, buildings, and property for fire fighting, fire protection, or other emergency services;
- (2) for deposit in:

(A) before January 1, 2013, the township firefighting fund established under IC 36-8-13-4; or

(B) after December 31, 2012, the county firefighting fund established under IC 36-8-13.6-3; or

- (3) to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(e) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the false alarm service charge established under subsection (a) before the service charge is initiated in that political subdivision.

(f) A volunteer fire department that:

- (1) has contracted with a political subdivision to provide fire protection or emergency services; and
- (2) imposes a false alarm service charge under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of false alarm charges collected during the previous calendar year and how those funds have been expended.

(g) The volunteer fire department may maintain a civil action to recover unpaid false alarm service charges imposed under this section.

SECTION 81. IC 36-8-12.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. As used in this chapter, "fire department" means a fire department that:

- (1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1) **(before January 1, 2013), or IC 36-8-13.6-2(a)(1) (after**

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December 31, 2012); and

(2) employs:

(A) both full-time paid members and volunteer members; or

(B) only full-time paid members.

SECTION 82. IC 36-8-12.2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Money collected under this chapter must be deposited in one (1) of the following:

(1) The general fund of the unit that established the fire department under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1) **(before January 1, 2013), or IC 36-8-13.6-2(a)(1) (after December 31, 2012).**

(2) A hazardous materials response fund established under section 8.1 of this chapter by a city or town having a fire department established under IC 36-8-2-3.

(b) Money collected under this chapter may be used only for the following:

(1) Purchase of supplies and equipment used in providing hazardous materials emergency assistance under this chapter.

(2) Training for members of the fire department in skills necessary for providing hazardous materials emergency assistance under this chapter.

(3) Payment to persons with which the fire department contracts to provide services related to the hazardous materials emergency assistance provided by the fire department under this chapter.

SECTION 83. IC 36-8-13-1, AS AMENDED BY P.L.227-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. **(a)** This chapter applies to all townships. However, this chapter does not apply to a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1.

(b) This chapter expires January 1, 2013.

SECTION 84. IC 36-8-13.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]:

Chapter 13.6. County Fire Protection and Emergency Services

Sec. 1. (a) This chapter does not apply to a county having a consolidated city.

(b) This chapter applies to fire protection and emergency services provided by a county after township government is abolished on January 1, 2013.

Sec. 2. (a) The executive of a county, with the approval of the legislative body, may do the following in carrying out the county's responsibility under IC 36-2-22 to provide fire protection services:

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(1) Purchase firefighting and emergency services apparatus and equipment for the county, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the county but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:

(A) A war veteran who has been honorably discharged from the United States armed forces.

(B) A person whose mother or father was a:

(i) firefighter of a unit;

(ii) municipal police officer; or

(iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.

(2) Contract with a municipality in the county or in a contiguous county that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services in the county in accordance with IC 36-1-7.

(3) Cooperate with a municipality in the county or in a contiguous county in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and county in accordance with IC 36-1-7.

(4) Contract with a volunteer fire department that has been organized to fight fires in the county for the use and operation of firefighting apparatus and equipment that has been purchased by the county in order to save the private and public property of the county from destruction by fire, including use of the apparatus and equipment in an adjoining county by the department if the department has made a contract with the executive of the adjoining county to furnish firefighting service within the county.

(5) Contract with a volunteer fire department that maintains

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adequate firefighting service in accordance with IC 36-8-12.

(b) This subsection applies only to counties that provide fire protection or emergency services, or both, under subsection (a)(1) and to municipalities that have all municipal territory completely within a county and do not have a full-time paid fire department. A county may provide fire protection or emergency services, or both, without contracts inside the corporate boundaries of the municipalities if, before July 1 of a year, the following occur:

(1) The legislative body of the municipality adopts an ordinance to have the county provide the services without a contract.

(2) The county legislative body passes a resolution approving the county's provision of the services without contracts to the municipality.

In a county providing services to a municipality under this section, the legislative body of either the county or a municipality in the county may opt out of participation under this subsection by adopting an ordinance or a resolution, respectively, before July 1 of a year.

Sec. 3. (a) Each county shall establish a county firefighting fund that is to be the exclusive fund used by the county for the payment of costs attributable to providing fire protection or emergency services under the methods prescribed in section 2 of this chapter and for no other purposes. The money in the fund may be paid out by the county executive with the consent of the county legislative body.

(b) Each county may levy, for each year, a tax for the county firefighting fund. Other than a county providing fire protection or emergency services, or both, to municipalities in the county under section 2(b) of this chapter, the tax levy is on all taxable real and personal property in the county that is outside the corporate boundaries of municipalities and that is not included in a fire protection territory or fire protection district. Subject to the levy limitations contained in IC 6-1.1-18.5, the county levy is to be in an amount sufficient to pay all costs attributable to fire protection and emergency services that are not paid from other revenues available to the fund. The tax rate and levy shall be established in accordance with the procedures set forth in IC 6-1.1-17.

(c) In addition to the tax levy and service charges received under IC 36-8-12-13 and IC 36-8-12-16, the executive may accept donations to the county for firefighting and other emergency services and shall place the donations in the fund, keeping an

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1 accurate record of the sums received. A person may also donate
 2 partial payment of any purchase of firefighting or other emergency
 3 services equipment made by the county.

4 (d) If a fire department serving a county dispatches fire
 5 apparatus or personnel to a building or premises in the county in
 6 response to:

7 (1) an alarm caused by improper installation or improper
 8 maintenance; or

9 (2) a drill or test, if the fire department is not previously
 10 notified that the alarm is a drill or test;

11 the county may impose a fee or service charge upon the owner of
 12 the property. However, if the owner of property that constitutes
 13 the owner's residence establishes that the alarm is under a
 14 maintenance contract with an alarm company and that the alarm
 15 company has been notified of the improper installation or
 16 maintenance of the alarm, the alarm company is liable for the
 17 payment of the fee or service charge.

18 (e) The amount of a fee or service charge imposed under
 19 subsection (d) shall be determined by the county legislative body.
 20 All money received by the county from the fee or service charge
 21 must be deposited in the county's firefighting fund.

22 Sec. 4. (a) This section applies to a county that provides fire
 23 protection or emergency services, or both, to a municipality in the
 24 county under section 2(b) of this chapter.

25 (b) With the consent of the county legislative body, the county
 26 executive shall pay the expenses for fire protection and emergency
 27 services in the county, both inside and outside the corporate
 28 boundaries of participating municipalities, from any combination
 29 of the following county funds, regardless of when the funds were
 30 established:

31 (1) The county firefighting fund under section 3(a) of this
 32 chapter.

33 (2) The cumulative building and equipment fund under
 34 IC 36-8-14.

35 (3) The debt fund for taxes levied under sections 7 and 8 of
 36 this chapter.

37 (c) Subject to the levy limitations contained in IC 6-1.1-18.5, the
 38 tax rate and levy for the county firefighting fund, the cumulative
 39 building and equipment fund, or the debt fund are to be in an
 40 amount sufficient to pay all costs attributable to fire protection or
 41 emergency services that are provided to the county and the
 42 participating municipalities that are not paid from other available

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revenues. The tax rate and levy for each fund shall be established in accordance with the procedures set forth in IC 6-1.1-17 and apply both inside and outside the corporate boundaries of participating municipalities.

(d) The county executive may accept donations for firefighting and emergency services. The county executive shall place donations in the county firefighting fund. A person may donate partial payment of a purchase of firefighting or emergency services equipment made by the county.

Sec. 5. (a) For counties and municipalities that elect to have the county provide fire protection and emergency services under section 2(b) of this chapter, the department of local government finance shall adjust each county's and each municipality's maximum permissible ad valorem property tax levy in the year following the year in which the change is elected, as determined under IC 6-1.1-18.5-3, to reflect the change from providing fire protection under a contract between the municipality and the county to allowing the county to impose a property tax levy on the taxable property located within the corporate boundaries of each municipality. Each municipality's maximum permissible ad valorem property tax levy shall be reduced by the amount of the municipality's property tax levy that was imposed by the municipality to meet the obligations to the county under the fire protection contract. The county's maximum permissible ad valorem property tax levy shall be increased by the product of:

(1) one and five-hundredths (1.05); multiplied by

(2) the amount the county received:

(A) in the year in which the change is elected; and

(B) as fire protection contract payments from all municipalities whose levy is decreased under this section.

(b) For purposes of determining a county's or municipality's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3 for years following the first year after the year in which the change is elected, a county's or municipality's maximum permissible ad valorem property tax levy is the levy after the adjustment made under subsection (a).

Sec. 6. After a sufficient appropriation has been made and approved and is available for the purchase of firefighting apparatus and equipment, including housing, the county executive, with the approval of the county legislative body, may purchase firefighting apparatus and equipment for the county on an installment conditional sale or mortgage contract running for a

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period not exceeding:

(1) six (6) years; or

(2) fifteen (15) years for a county that is purchasing the firefighting equipment with funding from the:

(A) state or its instrumentalities; or

(B) federal government or its instrumentalities.

The purchase shall be amortized in equal or approximately equal installments payable on January 1 and July 1 each year.

Sec. 7. (a) Subject to section 8 of this chapter, the executive and legislative body, on behalf of the county, also may borrow the necessary money from a financial institution in Indiana to make the purchase on the same terms. The executive and legislative body shall, on behalf of the county, execute and deliver to the institution the negotiable note or bond of the county for the sum borrowed. The note or bond must bear interest, with both principal and interest payable in equal or approximately equal installments on January 1 and July 1 each year over a period not exceeding six (6) years.

(b) The first installment of principal and interest on a contract, chattel mortgage, note, or bond is due on the next January 1 or July 1 following the first tax collection for which it is possible for the county to levy a tax. The executive and legislative body shall appropriate and levy a tax each year sufficient to pay the obligation according to its terms. An obligation of the county executed under this chapter is a valid and binding obligation of the county, notwithstanding any tax limitation, debt limitation, bonding, borrowing, or other statute to the contrary.

Sec. 8. (a) If the executive and the legislative body determine that money should be borrowed under section 7 of this chapter, at least ten (10) taxpayers in the county who disagree with the determination may file a petition in the office of the county auditor not more than thirty (30) days after notice of the determination is given. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the borrowing to be unnecessary or unwise.

(b) The county auditor immediately shall certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a date, time, and place for the hearing of the matter. The hearing shall be held at least five (5) and not more than thirty (30) days after the receipt of

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1 the certified documents.

2 (c) The hearing shall be held in the county where the petition
3 arose.

4 (d) Notice of the hearing shall be given by the department of
5 local government finance to the county and to the first ten (10)
6 taxpayer petitioners listed on the petition by letter. The letter shall
7 be sent to the first ten (10) taxpayer petitioners at the taxpayer's
8 usual place of residence at least five (5) days before the date of the
9 hearing.

10 (e) A:

11 (1) taxpayer who signed a petition filed under subsection (a);
12 or

13 (2) county against which a petition under subsection (a) is
14 filed;

15 may petition for judicial review of the final determination of the
16 department of local government finance under subsection (a). The
17 petition must be filed in the tax court not more than forty-five (45)
18 days after the date of the department's final determination.

19 Sec. 9. (a) All purchases of firefighting apparatus and
20 equipment shall be made in the manner provided by statute for the
21 purchase of county supplies. If the amount involved is sufficient to
22 require notice under statutes for bids in connection with the
23 purchase of apparatus or equipment, the notice must offer all
24 bidders the opportunity of proposing to sell the apparatus or
25 equipment to the county upon a conditional sale or mortgage
26 contract.

27 (b) A bidder proposing to sell on a conditional sale or mortgage
28 contract shall state in the bidder's bid the proposed interest rate
29 and terms of the conditional sale or contract, to be considered by
30 the county executive and legislative body in determining the best
31 bid received.

32 (c) All bids submitted must specify the cash price at which the
33 bidder proposes to sell the apparatus or equipment to the county
34 so that the executive and legislative body may determine whether
35 it is in the best interest of the county to purchase the apparatus or
36 equipment on the terms of a conditional sale or mortgage contract
37 proposed by the bidder or to purchase the apparatus or equipment
38 for cash if sufficient funds are available or can be raised by
39 negotiating a loan with a financial institution in accordance with
40 this section.

41 Sec. 10. A county having a regularly organized fire department
42 employing full-time firefighters may procure at the county's

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1 expense:

2 (1) an insurance policy for each member of the department
3 insuring the member against the loss of life or
4 dismemberment while in the performance of regularly
5 assigned duties; and

6 (2) group insurance providing supplemental income
7 protection for a member of the department who has been
8 injured during the course of employment.

9 The insurance coverage shall be selected with the consent of the
10 members and is supplemental to other benefits provided the
11 injured member by law.

12 Sec. 11. (a) A county shall pay for the care of a full-time, paid
13 firefighter who:

14 (1) suffers an injury; or

15 (2) contracts an illness;

16 during the performance of the firefighter's duty.

17 (b) The county shall pay for the following expenses incurred by
18 a firefighter described in subsection (a):

19 (1) Medical and surgical care.

20 (2) Medicines and laboratory, curative, and palliative agents
21 and means.

22 (3) X-ray, diagnostic, and therapeutic services, including
23 during the recovery period.

24 (4) Hospital and special nursing care if the physician or
25 surgeon in charge considers it necessary for proper recovery.

26 (c) Expenditures required by subsection (a) shall be paid from
27 the county firefighting fund established under section 3 of this
28 chapter.

29 (d) A county that has paid for the care of a firefighter under
30 subsection (a) has a cause of action for reimbursement of the
31 amount paid under subsection (a) against any third party against
32 whom the firefighter has a cause of action for an injury sustained
33 because of, or an illness caused by, the third party. The county's
34 cause of action under this subsection is in addition to, and not in
35 place of, the cause of action of the firefighter against the third
36 party.

37 Sec. 12. Notwithstanding section 3 of this chapter, a county
38 fiscal body may after December 31, 2012, authorize the county
39 executive to borrow a specified sum from a county fund other than
40 the county firefighting fund if the county fiscal body finds that the
41 emergency requiring the expenditure of money is related to paying
42 the operating expenses of a county fire department or a volunteer

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1 **fire department. The county fiscal body shall provide for payment**
 2 **of the debt by imposing a levy to the credit of the fund from which**
 3 **the amount was borrowed under this subsection.**

4 SECTION 85. IC 36-8-14-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. **(a) Before January**
 6 **1, 2013,** this chapter applies to all units except counties.

7 **(b) After December 31, 2012, this chapter also applies to**
 8 **counties.**

9 SECTION 86. IC 36-8-14-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) As used in this
 11 section, "emergency medical services" has the meaning set forth in
 12 IC 16-18-2-110.

13 (b) As used in this section, "volunteer fire department" has the
 14 meaning set forth in IC 36-8-12-2.

15 (c) The legislative body of a unit or the board of fire trustees of a
 16 fire protection district may provide a cumulative building and
 17 equipment fund under IC 6-1.1-41 for the following purposes:

18 (1) The:

19 (A) purchase, construction, renovation, or addition to
 20 buildings; or

21 (B) purchase of land;

22 used by the fire department or a volunteer fire department serving
 23 the unit.

24 (2) The purchase of firefighting equipment for use of the fire
 25 department or a volunteer fire department serving the unit,
 26 including making the required payments under a lease rental with
 27 option to purchase agreement made to acquire the equipment.

28 (3) In a municipality, the purchase of police radio equipment.

29 (4) The:

30 (A) purchase, construction, renovation, or addition to a
 31 building;

32 (B) purchase of land; or

33 (C) purchase of equipment;

34 for use of a provider of emergency medical services under
 35 IC 16-31-5 to the unit establishing the fund.

36 (d) In addition to the requirements of IC 6-1.1-41, before a
 37 cumulative fund may be established by a township fire protection
 38 district, the county legislative body which appoints the trustees of the
 39 fire protection district must approve the establishment of the fund.

40 **(e) A cumulative building and equipment fund is established**
 41 **effective January 1, 2013, in each county. The adoption and**
 42 **approval provisions of IC 6-1.1-41 do not apply to the**

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1 **establishment of the fund under this subsection. The tax levy**
 2 **provisions of IC 6-1.1-41 apply to the fund.**

3 SECTION 87. IC 36-8-14-4 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) To provide for
 5 the cumulative building and equipment fund established under this
 6 chapter, the legislative body may levy a tax on all taxable property
 7 within the taxing district in compliance with IC 6-1.1-41. The tax rate
 8 may not exceed three and thirty-three hundredths cents (\$0.0333) on
 9 each one hundred dollars (\$100) of assessed valuation of property in
 10 the taxing district.

11 (b) As the tax is collected, it shall be deposited in a qualified public
 12 depository or depositories and held in a special fund to be known as:

13 (1) the "building or remodeling, firefighting, and police radio
 14 equipment fund" in the case of a municipality; or ~~as~~

15 (2) the "building or remodeling and fire equipment fund" in the
 16 case of a township **(before January 1, 2013), a county (after**
 17 **December 31, 2012), or a fire protection district.**

18 SECTION 88. IC 36-8-19-1.7 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2010]: Sec. 1.7. (a) **Except as otherwise**
 21 **provided, the abolishing of township government under IC 36-6-1.1**
 22 **and the transfer of fire protection responsibilities to counties under**
 23 **IC 36-2-22 and IC 36-8-13.6 (effective January 1, 2013) do not**
 24 **terminate or otherwise affect a fire protection territory in existence**
 25 **under this chapter as of January 1, 2013.**

26 (b) **The following apply on and after January 1, 2013, if a**
 27 **township in the county is a participating unit as of December 31,**
 28 **2012:**

29 (1) **The township ceases to be a participating unit.**

30 (2) **The county (or consolidated city, if the township was**
 31 **located in a county having a consolidated city) shall become**
 32 **a participating unit and shall assume the powers, duties,**
 33 **rights, responsibilities, and obligations previously held by the**
 34 **township that was a participating unit (including the**
 35 **township's share of any debt issued under this chapter).**

36 (3) **The department of local government finance shall make**
 37 **any necessary adjustments to the maximum permissible ad**
 38 **valorem property tax levy for the county firefighting fund to**
 39 **take into account the transfer of powers, duties, rights,**
 40 **responsibilities, and obligations under this section.**

41 SECTION 89. IC 36-8-19-8, AS AMENDED BY P.L.182-2009(ss),
 42 SECTION 443, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Upon the adoption of identical ordinances or resolutions, or both, by the participating units under section 6 of this chapter, the designated provider unit must establish a fire protection territory fund from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred within the territory shall be paid. The purposes described in this subsection are the sole purposes of the fund, and money in the fund may not be used for any other expenses. Except as allowed in subsections (d) and (e) and section 8.5 of this chapter, the provider unit is not authorized to transfer money out of the fund at any time.

(b) The fund consists of the following:

- (1) All receipts from the tax imposed under this section.
- (2) Any money transferred to the fund by the provider unit as authorized under subsection (d).
- (3) Any receipts from a false alarm fee or service charge imposed by the participating units under IC 36-8-13-4 (**before January 1, 2013**) or IC 36-8-13.6-3 (**after December 31, 2012**).
- (4) Any money transferred to the fund by a participating unit under section 8.6 of this chapter.

(c) The provider unit, with the assistance of each of the other participating units, shall annually budget the necessary money to meet the expenses of operation and maintenance of the fire protection services within the territory, plus a reasonable operating balance, not to exceed twenty percent (20%) of the budgeted expenses. Except as provided in IC 6-1.1-18.5-10.5, after estimating expenses and receipts of money, the provider unit shall establish the tax levy required to fund the estimated budget. The amount budgeted under this subsection shall be considered a part of each of the participating unit's budget.

(d) If the amount levied in a particular year is insufficient to cover the costs incurred in providing fire protection services within the territory, the provider unit may transfer from available sources to the fire protection territory fund the money needed to cover those costs. In this case:

- (1) the levy in the following year shall be increased by the amount required to be transferred; and
- (2) the provider unit is entitled to transfer the amount described in subdivision (1) from the fund as reimbursement to the provider unit.

(e) If the amount levied in a particular year exceeds the amount

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necessary to cover the costs incurred in providing fire protection services within the territory, the levy in the following year shall be reduced by the amount of surplus money that is not transferred to the equipment replacement fund established under section 8.5 of this chapter. The amount that may be transferred to the equipment replacement fund may not exceed five percent (5%) of the levy for that fund for that year. Each participating unit must agree to the amount to be transferred by adopting an ordinance (if the unit is a county or municipality) or a resolution (if the unit is a township) that specifies an identical amount to be transferred.

(f) The tax under this section is subject to the tax levy limitations imposed under IC 6-1.1-18.5-10.5.

SECTION 90. IC 36-9-3-5, AS AMENDED BY P.L.70-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

- (1) two (2) members appointed by the executive of each county in the authority;
- (2) one (1) member appointed by the executive of the largest municipality in each county in the authority;
- (3) one (1) member appointed by the executive of each second class city in a county in the authority; and
- (4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

- (1) Two (2) members appointed by the executive of the county having the consolidated city.
- (2) One (1) member appointed by the board of commissioners of the county having the consolidated city.
- (3) One (1) member appointed by the executive of each other county in the authority.
- (4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.
- (5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.
- (6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the

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authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following twenty-one (21) members:

(1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than eight thousand

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- 1 (8,000) but less than nine thousand (9,000).
 2 (B) A town with a population of more than twenty-four
 3 thousand (24,000) but less than thirty thousand (30,000).
 4 (C) A town with a population of more than twelve thousand
 5 five hundred (12,500) but less than fifteen thousand (15,000).
 6 (6) One (1) member who is jointly appointed by the following
 7 authorities of municipalities located in a county having a
 8 population of more than four hundred thousand (400,000) but less
 9 than seven hundred thousand (700,000):
 10 (A) The executive of a city with a population of more than
 11 nineteen thousand eight hundred (19,800) but less than
 12 twenty-one thousand (21,000).
 13 (B) The fiscal body of a town with a population of more than
 14 nine thousand (9,000) but less than twelve thousand five
 15 hundred (12,500).
 16 (C) The fiscal body of a town with a population of more than
 17 five thousand (5,000) but less than eight thousand (8,000).
 18 (D) The fiscal body of a town with a population of less than
 19 one thousand five hundred (1,500).
 20 (E) The fiscal body of a town with a population of more than
 21 two thousand two hundred (2,200) but less than five thousand
 22 (5,000).
 23 (7) One (1) member appointed by the fiscal body of a town with
 24 a population of more than thirty thousand (30,000) located within
 25 a county with a population of more than four hundred thousand
 26 (400,000) but less than seven hundred thousand (700,000).
 27 (8) One (1) member who is jointly appointed by the following
 28 authorities of municipalities that are located within a county with
 29 a population of more than four hundred thousand (400,000) but
 30 less than seven hundred thousand (700,000):
 31 (A) The executive of a city having a population of more than
 32 twenty-five thousand (25,000) but less than twenty-seven
 33 thousand (27,000).
 34 (B) The executive of a city having a population of more than
 35 thirteen thousand nine hundred (13,900) but less than fourteen
 36 thousand two hundred (14,200).
 37 (C) The fiscal body of a town having a population of more
 38 than one thousand five hundred (1,500) but less than two
 39 thousand two hundred (2,200).
 40 (9) Three (3) members appointed by the fiscal body of a county
 41 with a population of more than four hundred thousand (400,000)
 42 but less than seven hundred thousand (700,000).

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(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight thousand (28,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

- (A) Chesterton.
- (B) Porter.
- (C) Burns Harbor.
- (D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision. **After December 31, 2012, any appointments or reappointments under this subdivision shall be made by the executive of the county containing the towns listed in this subdivision.**

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

- (A) Washington Township.

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- (B) Morgan Township.
- (C) Pleasant Township.
- (D) Boone Township.
- (E) Union Township.
- (F) Porter Township.
- (G) Jackson Township.
- (H) Liberty Township.
- (I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision. **After December 31, 2012, any appointments or reappointments under this subdivision shall be made by the executive of the county containing the townships listed in this subdivision.**

If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

SECTION 91. IC 36-9-17.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. This chapter applies to:

- (1) all townships (before January 1, 2013); and
- (2) all counties (after December 31, 2012).

SECTION 92. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) **Subject to subsection (b)**, this chapter applies to the townships indicated in each section.

(b) After December 31, 2012, powers and duties related to parks and recreation that are imposed by this chapter on a township are transferred to the county.

SECTION 93. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) **Before January 1, 2013**, this chapter applies to all townships.

(b) After December 31, 2012, all powers and duties of a township related to parks and recreation under this chapter are transferred to the county.

SECTION 94. IC 36-12-1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7.5. (a) **On January 1, 2013, all responsibilities and obligations of a township government with respect to a public library, library district, or provision or receipt of library services by contract are terminated, and the township government's responsibilities and obligations are assumed by the county.**

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(b) **The abolishing of township government under IC 36-6-1.1 does not terminate a public library, library district, or contract for provision or receipt of library services in existence on December 31, 2012.**

SECTION 95. IC 36-12-2-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. This section applies to the appointment of members to the library board of a public library serving a library district that is entirely located in one (1) township and includes part or all of only one (1) municipality. For a public library under this section, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

(1) One (1) member appointed **as follows:**

(A) By the legislative body of the township in which the library district is located. **This clause expires January 1, 2013.**

(B) **After December 31, 2012, the member is appointed by the legislative body of the county.**

(2) One (1) member appointed by the legislative body of the municipality in which the library district is located.

SECTION 96. [EFFECTIVE JULY 1, 2010] (a) **The definitions in IC 20 apply throughout this SECTION.**

(b) **Before July 1, 2012, a school township that is in existence on July 1, 2010, shall reorganize under IC 20-23. The governing body shall hold public hearings to discuss the methods of reorganization available to the school township and seek testimony from the public, community and business leaders, teachers, administrators, and other school employees concerning the appropriate form for the reorganization.**

(c) **This subsection applies if a governing body does not develop a reorganization plan under IC 20-23 that will be implemented before July 1, 2012. After June 30, 2012, and before January 1, 2013, the state board shall develop a reorganization plan for a school township to which this subsection applies and require the governing body to implement the plan.**

(d) **This SECTION expires July 1, 2013.**

SECTION 97. [EFFECTIVE JULY 1, 2010] (a) **This act does not affect any assessment, assessment appeal, or other official action of a township assessor made before the transfer of duties of the township assessor relating to property assessment. Any assessment, assessment appeal, or other official action of a township assessor made by a township assessor within the scope of the township**

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1 assessor's official duties under IC 6-1.1 or IC 36-6-5 before the
 2 transfer of duties to the county assessor is considered as having
 3 been made by the county assessor.

4 (b) This act does not affect any action pending on January 1,
 5 2013, against, or the rights of any party that may possess a legal
 6 claim arising on or before January 1, 2013, against, a township
 7 assessor that is not described in subsection (a).

8 (c) This SECTION expires January 1, 2014.

9 SECTION 98. [EFFECTIVE JULY 1, 2010] (a) The term of each:

10 (1) township trustee;

11 (2) township board member;

12 (3) township assessor; or

13 (4) township constable;

14 of a township (including those individuals elected in the November
 15 2, 2010, election) expires January 1, 2013.

16 (b) This SECTION expires January 1, 2014.

17 SECTION 99. [EFFECTIVE JULY 1, 2010] (a) The legislative
 18 services agency shall prepare, as directed by the legislative council,
 19 legislation for introduction in the 2011 regular session of the
 20 general assembly to organize and correct statutes affected by this
 21 act, if necessary.

22 (b) This SECTION expires January 1, 2011.

23 SECTION 100. An emergency is declared for this act.

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